

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JIMMIE MECCYA WILLIAMS,

Plaintiff,

Action No. **05 CV 5909**

vs.

TADD LAZARUS, M.D., P.C, ET Al. and  
ST. CLARE'S HOSPITAL and HEALTH CENTER,

**DECLARATION OF RACHEL H.  
PORITZ, ESQ. IN FURTHER  
SUPPORT OF THE MOTION TO  
VACATE THE DEFAULT  
AGAINST DR. LAZARUS**

Defendants.  
-----X

Rachel H. Poritz, Esq., an attorney duly admitted to practice before this Court, submits this declaration pursuant to 28 U.S.C § 1746 and declares that the following is true and correct under the penalties of perjury:

1) I am an associate of the law firm of Silverson, Pareres & Lombardi, LLP attorneys for defendant, St. Clare's Hospital and Health Center, n/k/a St. Vincent's Midtown Hospital.

2) This declaration is respectfully submitted in further support of and in reply to plaintiff's opposition to defendant's motion to vacate the default of co-defendant Tadd Lazarus, M.D.

3) I have personal knowledge of the facts stated herein, and if called to testify as a witness, I could and would competently testify.

4) Attached hereto as EXHIBIT "A" is a true and correct copy of the deposition of plaintiff Jimmie Meccya Williams in this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 28, 2007

\_\_\_\_\_  
/s/  
Rachel H. Poritz (RP-7320)

Page 1  
 1 UNITED STATES DISTRICT COURT  
 2 SOUTHERN DISTRICT OF NEW YORK  
 3 JIMMIE MECCYA WILLIAMS,-----x  
 4  
 5 Plaintiff, 05 Civ. 5909  
 6 (HB)  
 7 -against-  
 8 TADD LAZARUS and ST. CLARE'S HOSPITAL  
 9 and HEALTH CENTER,  
 10 -----x  
 11 Defendants.  
 12 November 17, 2006  
 13 10:05 A.M.  
 14  
 15 Deposition of JIMMIE MECCYA  
 16 WILLIAMS, taken by the Defendants,  
 17 pursuant to Court Order, held at the  
 18 offices of Simpson, Thacher & Bartlett,  
 19 LLP, 425 Lexington Avenue, New York, New  
 20 York 10017, before Joseph Maltzmacher, a  
 21 shorthand reporter and Notary Public  
 22 within and for the State of New York.  
 23  
 24  
 25

Page 2  
 1 APPEARANCES :  
 2  
 3  
 4 SIMPSON, THACHER & BARTLETT, LLP  
 5 Attorneys for the Plaintiff  
 6 425 Lexington Avenue  
 7 New York, New York 10017  
 8 BY: JOSHUA GELLER, ESQ.  
 9 -and-  
 10 EMMA LINDSAY, ESQ.  
 11  
 12  
 13 SILVERSON, PARERES & LOMBARDI, LLP, ESQ.  
 14 Attorneys for Defendants  
 15 300 East 42nd Street  
 16 New York, New York 10017  
 17  
 18 BY: ROBERT SILVERSON, ESQ.  
 19  
 20  
 21  
 22  
 23  
 24  
 25

Page 3  
 1 3  
 2 IT IS HEREBY STIPULATED AND AGREED,  
 3 by and among the attorneys for the respective  
 4 parties here, that the sealing, filing and  
 5 certification of the within deposition be  
 6 waived; and that such deposition may be signed  
 7 and sworn to before any officer authorized to  
 8 administer an oath with the same force and  
 9 effect as if signed and sworn to before the  
 10 officer whom said deposition is taken;  
 11 IT IS FURTHER STIPULATED AND  
 12 AGREED, that all objections, except as to form,  
 13 are reserved to the trial;  
 14  
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Page 4  
 1 Williams 4  
 2 JIMMIE MECCYA WILLIAMS,  
 3 called as a witness, after having first been  
 4 duly sworn by a Notary Public of the State of  
 5 New York, was examined and testified as follows:  
 6 EXAMINATION BY  
 7 MR. SILVERSON:  
 8 Q. What is your name?  
 9 A. Jimmie Meccya Williams.  
 10 Q. Where do you reside?  
 11 A. 20 West Walnut Street, Richwood,  
 12 West Virginia 26261.  
 13 Q. Good morning Mr. Williams, I'm  
 14 going to be asking you some questions regarding  
 15 the matter of Williams against St. Clare's  
 16 Hospital and others.  
 17 If there is a question that I ask you  
 18 that you don't understand or that needs  
 19 repetition or clarification, please indicate  
 20 that to me and I'll try to rephrase the question  
 21 or ask another one.  
 22 If there is anything you don't understand  
 23 or you want to confer with your attorney for any  
 24 reason, please let me know and we'll stop the  
 25 deposition at that point.

Page 5  
 1 Williams 5  
 2 If you need a break for any reason please  
 3 indicate that and we'll stop; is that  
 4 understood?  
 5 A. Yes.  
 6 Q. How long have you lived at the  
 7 address that you've just given?  
 8 A. I've lived at that address this  
 9 particular time, since October of this year.  
 10 Q. Prior to that, where did you live?  
 11 A. 311 1/2 Highland Street, Beckley,  
 12 West Virginia.  
 13 Q. How long had you lived at that  
 14 address?  
 15 A. Seven months.  
 16 Q. So that would be, if my math is  
 17 correct, February or March of '06?  
 18 A. Correct.  
 19 Q. Somewhere in that time frame?  
 20 A. Yes.  
 21 Q. Is that a rental, is it an  
 22 apartment or house?  
 23 A. It's a one bedroom apartment over a  
 24 two car garage.  
 25 Q. Prior to that, where did you live?

Page 6  
 1 Williams 6  
 2 A. P.O. Box 1, Huttonsville, West  
 3 Virginia.  
 4 Q. That's a Federal or state prison?  
 5 A. It's a state prison.  
 6 Q. When were you released from  
 7 Huttonsville?  
 8 A. August 8, 2005.  
 9 Q. So from August 8 of 2005, you moved  
 10 to Highland Street or somewhere else?  
 11 A. Highland Street.  
 12 Q. You then moved in October to  
 13 Richwood, West Virginia; is that correct?  
 14 A. That's correct.  
 15 Q. Was that an apartment or a home?  
 16 A. That's a home.  
 17 Q. Do you own that home?  
 18 A. That residence belongs to my  
 19 mother.  
 20 Q. Can I have your date of birth?  
 21 A. 9/13/1963.  
 22 Q. Your social security number?  
 23 A. 089-56-5467.  
 24 Q. Mr. Williams, I want to ask you  
 25 some questions about your prior medical history.

Page 7

1 Williams 7  
2 In that regard, there was reference in some of  
3 your medical records to an accident or an  
4 incident that occurred in 1984 regarding your  
5 arms or an injury to your arms or your upper  
6 body somewhere. Can you tell me something about  
7 that?  
8 A. I have never had an accident in  
9 '84. Can you clarify?  
10 Q. Yes, I'll be glad to.  
11 There are some records, I believe from  
12 one of the prison facilities that you were in,  
13 by way of medical history that you gave,  
14 indicating that you had numbness in your arms  
15 and there was an on or about date of 1984. Does  
16 that refresh your memory as to whether or not  
17 you sustained any injury to your arms at that  
18 time or close to that time?  
19 A. In 1984 -- the only injury I  
20 sustained in 1984 was a burn that I obtained  
21 from doing construction.  
22 Q. I believe you were an iron worker  
23 at one point?  
24 A. Yes; that's correct.  
25 Q. In the '80s?

Page 8

1 Williams 8  
2 A. Yes.  
3 Q. Did you ever have any injury  
4 on-the-job where you were disabled for any  
5 period of time during the 1980s, more  
6 specifically injury to your upper body or to  
7 your arms?  
8 A. There was another incident, yes.  
9 Q. When was that?  
10 A. I can't remember exactly what time,  
11 but I remember there was another injury.  
12 Q. Can you describe for me in brief or  
13 in substance what that injury was?  
14 A. It was my upper back.  
15 What else do you want to know?  
16 Q. How did the injury occur?  
17 A. The injury occurred when we had to  
18 move a girder. Now a girder is a beam that is  
19 constructed with rebar. At this particular  
20 time, I was the foreman on the job. This beam  
21 was 60 feet long. And you use a crane to move  
22 it. And the injury that I sustained was because  
23 the beam -- when the crane picks it up, it's  
24 like spaghetti, because it's so long. And as we  
25 were setting the beam in it's form, I sustained

Page 9

1 Williams 9  
2 an injury to my upper back.  
3 Q. Did the beam strike some part of  
4 your body?  
5 A. The beam never touched me.  
6 Q. Did you fall off, injuring your  
7 back?  
8 A. No. What happened, it was  
9 basically trying to put a beam inside a girder.  
10 And it's moving like spaghetti and it's 60 feet  
11 long. And it's shaking. What happened, I would  
12 say, that it like jerked my arm to where my  
13 upper back was injured.  
14 Q. Were you hospitalized or did you  
15 receive medical treatment for the injury?  
16 A. Therapy.  
17 Q. When you say therapy, meaning  
18 physical therapy?  
19 A. Yes.  
20 Q. For what period of time were you in  
21 therapy; in terms of weeks or months?  
22 A. In terms of weeks, six weeks.  
23 Q. Did you file a workers'  
24 compensation claim at that time for your injury?  
25 A. No.

Page 10

1 Williams 10  
2 Q. In terms of your arm, which arm was  
3 it that was injured?  
4 A. My right.  
5 Q. The extent of the injury was that  
6 arm casted, placed in a sling or anything else?  
7 A. No.  
8 Q. Can you describe, if you recall,  
9 what sensations, if any, you were feeling in  
10 your arm or something else?  
11 A. Pain.  
12 Q. Did the therapy help the arm?  
13 A. Yes.  
14 Q. Did you have any recurrence of  
15 that injury in terms of future pain after that  
16 six week period?  
17 A. None.  
18 Q. Do you recall, was it in the early  
19 1980s somewhere, in terms of time?  
20 A. On or around the year of '85.  
21 Q. I'm still referring to the 1980s.  
22 At any time during the 1980s up until 1990, were  
23 you hospitalized for any medical condition?  
24 A. Hospitalized for any medical  
25 condition, no. I don't recall.

Page 11

1 Williams 11  
2 Q. From, let's call it, 1985 to 1990  
3 were you working in the construction field?  
4 A. Yes.  
5 Q. At any time during that period of  
6 1985 to 1990, were you incarcerated for any  
7 reason?  
8 A. 1985 to 1990, no.  
9 Q. In terms of your emotional health  
10 during that time period, were you under the care  
11 or treatment of any mental health professional,  
12 either psychiatrist, psychologist or social  
13 worker for any condition?  
14 A. Absolutely not.  
15 Q. Did there come a time in 1990, that  
16 you were hospitalized for a suicide attempt?  
17 A. Absolutely not.  
18 Q. Did you ever tell anyone, either a  
19 medical professional or psychiatrist or  
20 psychologist, that you had been hospitalized and  
21 treated for depression and attempted suicide by  
22 taking an overdose of medication?  
23 MR. GELLER: Object to the compound  
24 question. You can answer if you  
25 understand.

Page 12

1 Williams 12  
2 MR. SILVERSON: Do you understand  
3 the question?  
4 Q. I can shorten it if you would like.  
5 A. Please.  
6 Q. You indicated you were not under  
7 the care of a psychiatrist or a psychologist; is  
8 that correct, in the 1990 area, 1989, 1990,  
9 1991?  
10 A. I was not under the care of any  
11 psychiatrist or any other medical treatment  
12 program.  
13 Q. Did there come a time on or about  
14 those dates, that you attempted suicide by  
15 taking pills?  
16 A. During what year?  
17 Q. More specifically to 1990, but if  
18 there is another time period that this occurred,  
19 I'm asking you if you have any recollection of  
20 that?  
21 A. I have no recollection of ever  
22 trying to commit suicide.  
23 Q. Did you ever tell anyone, at any of  
24 the correctional institutions that you were  
25 housed at, that you had attempted suicide in

1 Williams 13  
 2 1990?  
 3 A. Absolutely not.  
 4 Q. From 1990 to 1993 were you still  
 5 working in the field of construction?  
 6 A. Repeat that question.  
 7 MR. SILVERSON: Would you read it  
 8 back.  
 9 (Whereupon, the prior question was  
 10 read back by the reporter.)  
 11 A. Yes.  
 12 Q. Where were you working, what part  
 13 of the country?  
 14 A. Dulles, West Virginia, outside of  
 15 D.C.  
 16 Q. During the years prior to that, had  
 17 you worked for the same company or were you  
 18 going to different jobs and working for  
 19 different employers?  
 20 A. I worked for the highest paid,  
 21 highest bidder.  
 22 Q. Were you a member of the iron  
 23 workers union?  
 24 A. Local 201.  
 25 Q. Did there come a time in the 1990s

1 Williams 14  
 2 that you were arrested and convicted of a crime?  
 3 A. I'm not sure.  
 4 Q. By way of refreshing your  
 5 recollection, were you incarcerated at Rikers  
 6 Island in New York City on December 8, 1993; on  
 7 or about that date?  
 8 A. Yes.  
 9 Q. What were you either arrested for  
 10 and ultimately convicted of?  
 11 A. I don't know.  
 12 Q. Did there come a time that you were  
 13 sentenced, based on either a conviction or by  
 14 plea or by verdict to a term in jail?  
 15 A. Do you have an idea of what that  
 16 term was.  
 17 Q. I do. From December 22 of 1993 to  
 18 October of 1995, I believe starting at either  
 19 Oneida Correction and to Downstate and then  
 20 ultimately to Franklin.  
 21 A. Yes, I remember.  
 22 Q. Can you give me some detail of what  
 23 you were convicted for and what your sentence  
 24 was?  
 25 MR. GELLER: That calls for a

1 Williams 15  
 2 narrative. Can you ask more specific  
 3 questions.  
 4 MR. SILVERSON: I can.  
 5 Q. What were you convicted for?  
 6 A. Welfare fraud.  
 7 Q. Was that a felony?  
 8 A. Yes.  
 9 Q. Were you sentenced to a term in  
 10 prison as a result of your plea to the welfare  
 11 fraud?  
 12 A. I was sentenced, yes.  
 13 Q. What was your sentence?  
 14 A. No less than 1, no more than 3.  
 15 Q. Was this in New York State or  
 16 someplace else?  
 17 A. This was right here in Manhattan.  
 18 Q. Where did you go by way of  
 19 correctional facilities?  
 20 A. I started out on Rikers Island.  
 21 Next stop was Downstate. After Downstate, it  
 22 was Oneida. After Oneida, I went to six months  
 23 shock camp, where it was located I can't  
 24 remember.  
 25 Q. That was a confined facility?

1 Williams 16  
 2 A. It was program that you do six  
 3 months, come out, do shock parole. I didn't  
 4 want the program. After that, I went to  
 5 Dannemora. After Dannemora I went to Franklin.  
 6 From Franklin, I was released.  
 7 Q. Do you recall your release date?  
 8 A. No, I do not.  
 9 Q. Would it refresh your memory if I  
 10 told you it was in October of 1995?  
 11 A. No, it would not. It would not  
 12 refresh my memory.  
 13 Q. Would it be in the year of 1995  
 14 that you were released, you indicated it was a 1  
 15 to 3 sentence?  
 16 A. Yes.  
 17 Q. Did you serve roughly two-thirds of  
 18 that sentence?  
 19 A. Yes.  
 20 Q. Somewhere between 1994 and 1995 you  
 21 were released, would that be a fair statement?  
 22 A. I can't say if it would be fair.  
 23 Q. Do you have any documents that  
 24 would refresh your recollection?  
 25 I'll leave a blank space in the

1 Williams 17  
 2 transcript and request you fill in the date.  
 3 (INSERT)  
 4 Q. Do you have documents at home?  
 5 A. No, I do not.  
 6 Q. I'm just trying to establish when  
 7 you got out?  
 8 A. No.  
 9 Q. During the time that you were in  
 10 these various facilities, did you have any  
 11 medical problems at all?  
 12 A. I had blood in my urine.  
 13 Q. When was that?  
 14 A. That was when I was at shock. The  
 15 name of the facility I don't know.  
 16 Q. Did you receive medical treatment  
 17 for that condition?  
 18 A. No. I was just told not to work  
 19 out so hard.  
 20 Q. Did you have any complaints of  
 21 either chronic constipation or abdominal pain  
 22 during that time period?  
 23 A. Chronic constipation.  
 24 Q. When was that, if you can time  
 25 frame it; that was while you were in the

1 Williams 18  
 2 facilities, correct?  
 3 A. The chronic constipation was during  
 4 the time that I was -- started around the time I  
 5 was at Oneida.  
 6 Q. Prior to that, did you have any  
 7 history in your background of having difficulty  
 8 with bowel movements or constipation?  
 9 A. Not that I can recall, no.  
 10 Q. So the condition started at Oneida  
 11 and then you were treated for the condition?  
 12 A. No.  
 13 Q. Did you take any medication to  
 14 relieve the constipation, such as milk of  
 15 magnesia or a laxative or something else?  
 16 A. Occasionally a laxative, yes.  
 17 Q. Did you ever make any complaints  
 18 during the time period you had this constipation  
 19 of hemorrhoids?  
 20 A. No.  
 21 Q. No, you didn't make any complaints,  
 22 or you don't recall?  
 23 A. No, I didn't make any complaints.  
 24 Q. Do you ever recall making a  
 25 complaint to someone at the correction facility



Page 19

Page 22

Williams 19  
that you hadn't had a bowel movement in 9 to 10 days, does that refresh your memory?

A. Yes.

Q. Did you also at that same time indicate that you developed hemorrhoids as a result of constipation?

A. I have never made the assumption of having hemorrhoids. However, it was suggested to me that that maybe the problem.

Q. Did you ever make a complaint to anyone while at the correction facility with regard to the constipation, regarding finding blood in the toilet after you attempted to make a bowel movement?

A. Yes.

Q. Was it after that that they told you that it was possibly a hemorrhoidal condition?

A. I can't answer that. I don't know.

Q. Also, in either years between 1993 and 1995 while incarcerated, did you make any complaints of stomach pain and pain on the side of your body regarding your liver?

A. The only time that I can recall

Williams 22  
Q. What do you recall the doctor telling you about your liver?

A. He said that I need to eat healthy, drink a lot of water, and any deterioration that I've incurred to my liver would eventually heal itself. But I had to start immediately, because if I go -- if I continue, I could create cirrhosis of the liver.

And then -- it wasn't a he, it was a she. She said, that your liver can get holes inside. Once fat grows inside those holes, that's when you begin to get cirrhosis. But if you eat healthy, drink a lot of liquids, healthy liquids that is, that the liver is an organ that refurbishes itself and you'll be fine.

Q. Were you diagnosed with any medical condition after the biopsy of your liver?

A. I don't know. They never told me.

Q. Have you ever been diagnosed with Hepatitis C?

A. I was told that I had Hepatitis C. Then it was questionable when I was at Huttonsville.

Q. If you can recall, when were you

Page 20

Page 23

Williams 20  
making an issue of my stomach is during constipation. The medical staff at Downstate recommended that I do a liver biopsy.

Q. Why was that, if you know?

A. When you're incarcerated they don't give you any information.

Q. Prior to that recommendation, did you have a blood test, and they looked at how the blood related to your liver functions?

A. I've had numerous blood tests. Now, what they were in regards to, I don't know.

Q. Do you recall, I think, they had scheduled a liver biopsy for you?

A. Yes.

Q. That was at St. Agnes Hospital in White Plains?

A. It was at a hospital.

Q. Would it refresh your memory whether it was St. Agnes Hospital in White Plains or somewhere else, would that help you remember?

A. I can tell you that they brought me from the correctional facility. At the time, I don't even remember what facility I was at.

Williams 23  
diagnosed with Hepatitis C; who told you that and when?

A. Downstate.

Q. What led them to that diagnosis; in other words, were you complaining of pain in your body somewhere or had they done routine testing and discovered it or something else?

A. Blood in my urine.

Q. Was that what you had referred to before when you mentioned it?

A. No. Before I mentioned it, if I'm not mistaken, we was talking about when I was in shock.

Q. From the shock camp?

A. Yes.

Q. This was before, while you were incarcerated at Downstate?

A. Yes.

Q. Other than blood in your urine, were there any other other symptoms that you had before you received the diagnosis of Hepatitis C?

A. I can't recall all the times that I have had any ailments.

Page 21

Page 24

Williams 21  
They brought me down to a regular public hospital. Whether it was in White Plains, in the Bronx, I do not know.

Q. Just let me stop you for a second. Did you keep any memos or notes or records of your medical treatment over the years?

A. No.

Q. Did you in fact go and have a liver biopsy?

A. Yes.

Q. That was due to elevated liver levels in your blood, would that be a fair statement?

A. Could you repeat that question.

MR. SILVERSON: Could you read that back.

(Whereupon, the prior question was read back by the reporter.)

A. What is an elevated liver level?

Q. I'll ask you another question.

Did a doctor meet with you after you had the liver biopsy in regard to what the biopsy showed, if anything?

A. Yes.

Williams 24  
Q. I know it's a long time ago, but in terms of your ability to function at Downstate in terms of either a job that you may have had there or work duty or whatever it might be, were you put on any kind of limited details because of the illness that you had?

A. Downstate is a 23 lockdown facility.

Q. I'm not familiar with that. That meant you were in your cell for 23 hours?

A. When you're in a 23 hour lockdown facility there is no work.

Q. What, if any, treatment did they give you for Hepatitis C?

A. None.

Q. What medications did they prescribe for you, if any?

A. None.

Q. What medical advice did they give you, if any, regarding your care of yourself after the diagnosis of Hepatitis C?

A. I told you that.

Q. Eat healthy?

Page 25

1 Williams 25

2 A. Eat healthy and drink lots of

3 water.

4 Q. As of today, are you still

5 diagnosed with the condition of Hepatitis C?

6 A. As I said before, Huttonsville said

7 it was questionable. That they need to have a

8 panel test conducted, which I never had done.

9 Q. So you don't know?

10 A. I don't know.

11 Q. Mr. Williams, just so I have an

12 order of things, you went from Downstate

13 correctional to Oneida. Then to a six month

14 shock camp. Then to Dannemora and then to

15 Franklin; would that be a correct order of

16 things?

17 A. Pretty much, yes.

18 Q. This was all under the sentencing

19 of a 1 to 3 sentence; correct?

20 A. That's correct.

21 Q. Since this is basically a white

22 collar crime, was there a reason why you were in

23 a 23 hour lockdown, other than being in the

24 general population of the prison?

25 I'm sorry to have to ask these questions,

Page 26

1 Williams 26

2 I apologize.

3 A. I have to elaborate on this one.

4 Apparently you all are not familiar with how

5 corrections operate.

6 When you're incarcerated -- when you're

7 sentenced to a correctional facility, a/k/a

8 penitentiary, you have to be classified. And

9 before this classification is conducted where

10 they give you a level, you're locked down.

11 Once you're classified, then they put you

12 in an area most conducive to what they call,

13 "rehabilitation." Now everyone who thresholds

14 the penal system goes through a lockdown.

15 Because you just can't put a person in prison

16 and he's not a violent criminal and put him with

17 violent criminals.

18 So once classification has been

19 completed, then they put you in what they would

20 consider an area that is safe and poses no

21 danger for you or to the people that are around

22 you.

23 Q. So that the lockdown wasn't because

24 of any infraction in prison or any conduct of

25 that nature?

Page 27

1 Williams 27

2 A. That's correct.

3 Q. Since you were convicted basically

4 of a so called white collar crime, they wanted

5 to find out where you fit into the correctional

6 system, therefore transfer you to a prison that

7 would be appropriate for your rehabilitation, as

8 you put it?

9 A. Yes.

10 Q. That would explain the 6 month

11 shock camp didn't work out for you, because you

12 seem to have gone on to Dannemora after that?

13 A. That is correct.

14 Q. From Dannemora you went to

15 Franklin. Was there a reason for the transfer

16 between those two prisons?

17 A. Dannemora is a maximum security.

18 It's behind a wall.

19 Q. It seems inconsistent with the crime

20 that you committed that you would go to such a--

21 A. Actually it's not inconsistent.

22 Q. Could you explain?

23 A. You have to understand, these

24 prisons are right next to Canada.

25 They're so far up and to transport

Page 28

1 Williams 28

2 prisoners to these facilities, not only do you

3 have to have layovers sometimes, but in my

4 situation, they took me to Dannemora, to either

5 wait -- mind you, the correctional system, they

6 don't tell us anything. And I'm not guessing at

7 this, because during my research I realized this

8 was a fact. This is what happened. Dannemora

9 was just layover period. I only stayed there

10 for a few weeks, until a bed came open either at

11 Franklin or Berry Hill. Franklin and Berry Hill

12 are facilities that are next door to each other.

13 Q. That puts it in perspective for me.

14 When I've looked at these documents, it

15 seemed you were in a lot of places for a crime

16 where you got sentenced to a 1 to 3.

17 A. Right.

18 Q. Let me just get back to the

19 medical, Mr. Williams.

20 There are a number of hospitals that were

21 listed in your medical records. I'd like to ask

22 you a little bit about each one. If you don't

23 remember, that's fine. If not, maybe you can

24 explain it. There was a hospital called Alice

25 Hyde Hospital.

Page 29

1 Williams 29

2 A. Address?

3 Q. Alice Hyde Hospital, 115 Park

4 Street, Malone, New York 12953.

5 Does that refresh your recollection?

6 A. Do you know the time frame?

7 Q. I don't. Other than the fact that

8 there was some record of you being there for

9 some laboratory testing and I have a patient

10 number for you. But I thought perhaps that

11 would refresh your memory as to what you were in

12 the hospital for on that visit?

13 A. This is Malone, New York?

14 Q. Does it ring a bell?

15 A. No.

16 Q. How about Oneida Health Care

17 Center, Genesee Street, Oneida, New York?

18 That would be up near where the prison

19 was. Do you recall being hospitalized for any

20 reason or treating in the emergency room?

21 A. I recall blood in my urine.

22 Q. Do you recall being hospitalized

23 there or just going there for medical

24 consultation?

25 A. I just recall going there for

Page 30

1 Williams 30

2 testing.

3 Q. You would obviously be transported

4 from prison to that place; is that correct?

5 A. Correct.

6 Q. How about Bassett Hospital of

7 Schoharie County, in Cobble Skill, New York.

8 Does that ring a bell as ever having been

9 treated there?

10 A. No, I don't recall going to there.

11 Maybe that's another individual.

12 Q. The hospitals that I'm giving you

13 Mr. Williams are all hospitals that there are

14 medical records that we've requested, where it's

15 been indicated that you received some type of

16 treatment at. And it was at the time you were

17 in upstate New York incarcerated.

18 So, we don't have the records as yet.

19 I'm trying to save time and not having to have a

20 further deposition, so that we can find out what

21 the treatments were, if any, at these particular

22 institutions.

23 So, the first one Oneida, you've

24 explained.

25 Alice Hyde Hospital you don't have any

Page 31

Williams 31

1 recollection.

2 Bassett Hospital, there was some

3 indication that you received some type of X-rays

4 and medical treatment there.

5 A. I don't recall.

6 Q. Do you have any records at home or

7 you gave to your attorney that would help you

8 refresh your memory?

9 A. No.

10 Q. How about Rome Hospital and Murphy

11 Memorial Hospital in Rome, New York; do you have

12 any recollection of ever being treated at that

13 hospital or hospitals?

14 A. I can only recall a substantial

15 amount of blood being in my urine. So that can

16 only be the reason.

17 Q. I'm going to ask you a little bit

18 later on in the deposition, there had been some

19 HIV testing while you were incarcerated during

20 that period of '93 to '95. Would that refresh

21 your memory as to one of these hospitals being

22 the facility where you received the HIV testing?

23 A. No. Any HIV testing that I

24 received were received at the correctional

25

Page 32

Williams 32

1 facility.

2 Q. Finally, a hospital called Grand

3 Strand Regional Medical Center.

4 A. Located?

5 Q. Myrtle Beach, South Carolina.

6 A. That's when I got burned.

7 Q. Do you have a recollection of going

8 to the hospital at that time?

9 A. Yes.

10 Q. Was that while you were on the job?

11 A. Yes.

12 Q. Mr. Williams what is the extent of

13 your education, how far did you go in school?

14 A. As of when?

15 Q. As of the present.

16 A. I'm presently working on a

17 bachelor's in accounting.

18 Q. Where are you attending classes?

19 A. Mountain State University.

20 Q. That's in West Virginia?

21 A. Beckley, West Virginia.

22 Q. I assume you're a part-time

23 student, not full-time?

24 A. Full time.

25

Page 33

Williams 33

1 Q. You matriculated into a semester;

2 is it a semester or a trimester program?

3 A. Actually, this semester I wasn't

4 able to get in because of some situation that

5 happened, but I'm already scheduled for the

6 spring semester.

7 Q. Are you telling me you're

8 registered at the school to enter classes in

9 whatever spring means, January, February?

10 A. Yes.

11 Q. Is this your first exposure to

12 college or have you been at Mountain State

13 before this?

14 A. Yes.

15 Q. When were you in attendance?

16 A. The fall 2005.

17 Q. How many credits did you take and

18 how many did you complete?

19 A. Four.

20 Q. So you were not fully matriculated,

21 you were part-time?

22 A. That would be four classes.

23 Q. I was talking about credits.

24 A. Four classes is considered

25

Page 34

Williams 34

1 full-time.

2 Q. That would be from September to

3 December or September to January?

4 A. December.

5 Q. Would you be considered a freshman

6 student, in other words are you being considered

7 a first year student?

8 A. That was my second.

9 Q. You have completed one year of

10 college?

11 A. Yes.

12 Q. Where was that?

13 A. Fairmont State.

14 Q. What part of the country is that?

15 A. West Virginia.

16 Q. Mountain State has given you credit

17 for the first year of Fairmont State?

18 A. That's correct.

19 Q. You went to school full-time from

20 September to January of '05. And then from '05

21 to the present, you haven't started again, but

22 you will be starting in the spring?

23 A. Correct.

24 Q. I assume you have a high school

25

Page 35

Williams 35

1 diploma from high school or equivalency?

2 A. I have an equivalency.

3 MR. SILVERSON: I don't know if

4 it's relevant, if not already provided,

5 we would just like some authorizations to

6 validate educational aspects. We'll put

7 the request in writing as per the rules,

8 but just for the record.

9 On any document request, we'll

10 follow-up with a formal demand.

11 While I'm on it, we've already sent

12 you a request.

13 MR. GELLER: Yes. We have those

14 and we will be getting those to you

15 shortly.

16 MR. SILVERSON: We have previously

17 requested in writing from counsel,

18 authorization for Mr. Williams from

19 Oneida Health Care Center, Alice Hyde

20 Hospital Association, Bassett Hospital of

21 Schoharie County, Rome Hospital and Murphy

22 Memorial Hospital, St. Agnes Hospital,

23 Oneida Correctional Facility medical

24 records and Grand Strand Regional Medical

25

Page 36

Williams 36

1 Center.

2 In addition we have asked for

3 records under Medicaid, any claims under

4 social security administration, Project

5 Return Foundation Incorporated, and the

6 New York State Department of Health

7 prescription plan, it's an RX plan

8 through the Department of Health.

9 MR. GELLER: We're in receipt of

10 the request.

11 Q. Mr. Williams, in reviewing some of

12 your records, it appears that you did attend

13 City College in New York City at one point?

14 A. Yes.

15 Q. In 1996?

16 A. Yes.

17 Q. So in addition to Fairmont State

18 you also attended City College. Was that

19 full-time or part-time?

20 A. Part-time.

21 Q. When I say City College I'm talking

22 about the City University of New York?

23 A. 135th and Amsterdam.

24 Q. That's the one?

25



Page 37

Williams 37

A. That's the one.

Q. Mr. Williams, I'm going to ask you some information regarding your time either at Franklin Correctional Facility or one of the ones in the interim that you were transferred from and to, during the period 1993 to 1995. The first thing I want to talk to you about is your HIV testing that you took at that institution. Your records indicate that in February of 1994, more specifically February 4, that you took a HIV test called an ELISA test, do you recall that?

A. I remember taking that test. I don't recall the time.

Q. In fact, while you were incarcerated there two tests were given at the institution, do you recall that at least two for HIV testing?

A. Yes.

Q. Do you recall the results of either of those tests?

A. Yes.

Q. What were the results?

A. Negative.

Page 38

Williams 38

Q. Was there a reason that the HIV test was given while you were in prison?

A. Specifically, to know the status of my health.

Q. Had you requested the test or is this part of the protocol for the hospital to give such a test, if you know?

A. That I could not answer.

Q. You in fact did take the two tests and both tests were negative?

A. That is correct.

Q. While in the correctional institutions, they do a psychological profile or examination of you while there?

A. Yes.

Q. In 1994, had you had any prior psychiatric history or care in your background at all?

A. Clarify.

Q. From birth to adulthood had you had any experiences or problems emotionally or mentally up and through 1994?

MR. GELLER: Objection. What's the question?

Page 39

Williams 39

You asked about treatment then you asked about problems.

Q. What I'd like to know, is find out if there were things in your background, either your childhood or teenage years that required intervention with either a psychiatrist, psychologist, mental health worker, social worker; was there anything in that period of time?

A. From the time that I was born up until now?

Q. The basis for my question is this, in your medical records there are references to this. If you can explain, if you would like me to be specific or you can give me a brief narrative?

A. I would like for you to be specific but, yes.

Q. Was there an incidence in your childhood where you either were an abused child or had some intervention with a psychologist for incidence that occurred in your home with your family?

A. Yes.

Page 40

Williams 40

Q. Can you tell me what that was and what care or treatment you received, if any?

I apologize for going into your background. It may or may not be painful to you, but we need to know about this.

A. In 1972 I was sent to Albany Home for Children. Let me clarify that. On or around 1972, I was sent to Albany Home for Children. During this period I was told that I was mentally retarded.

Q. When you say sent, was this something through your mother or father or was this a court intervening decision to get you there?

A. I have no idea.

Q. You ended up being away from home and put into this home?

A. Yes.

After that, I don't recall being in any other psychiatric institution.

Q. About how old were you?

A. I was 8 or 9 years old.

Q. How long were you there?

A. Approximately a year.

Page 41

Williams 41

Q. When released from there, did you return to your family?

A. Yes.

Q. What did your family consist of at that point?

A. What do you mean, what did it consist of?

Q. Was it your mother, your father, or mother and father or a relative or something else?

A. Like who was in the household?

Q. Yes.

A. One brother, one sister, my mother, stepfather and a dog named Butch.

Q. What kind of dog was it?

A. A boxer.

MR. GELLER: Off the record. (Whereupon, a short recess was taken.)

Q. You returned home from Albany Home for Children and from that date forward, you were in school?

A. Very briefly.

Q. I'd say from 8 years to 18, for the

Page 42

Williams 42

next ten years, in very brief summary, can you tell me were you in any other institutions or under the care of a psychiatrist, psychologist or other medical?

A. Clarify those years?

Q. From age 8 to age 18.

A. From age 8 to 18 was I in any other institution--

Q. Or treated by a psychiatrist, psychologist or mental health professional?

A. Absolutely not.

Q. In terms of your schooling, did you finish grammar school, meaning first to eighth grade?

A. I didn't. I left school in fifth grade.

Q. This is all in West Virginia?

A. No. At this point I was living in Cornwall, New York, Cornwall off the Hudson.

Q. Leaving school in the fifth grade how old were you in fifth grade?

A. I was nine going on ten.

Q. In terms of requirements of the state to attend school, what did you do if you



Page 43

Page 46

1 Williams 43  
 2 weren't going to school; were you just kept at  
 3 home and home taught or something else?  
 4 A. I left home.  
 5 Q. You ran away?  
 6 A. Yes.  
 7 Q. Where did you run to?  
 8 A. Here, to the city?  
 9 Q. At age 9 with whom did you live or  
 10 where did you live?  
 11 A. Wherever I could.  
 12 Q. Were you homeless at the time?  
 13 A. Very much so.  
 14 Q. Did you live in any shelters or any  
 15 other places?  
 16 A. Nine year olds can't get into  
 17 shelters.  
 18 Q. Nine year old, it's pretty hard to  
 19 take care of yourself at nine. How did you  
 20 survive?  
 21 A. You'd be surprised what a nine year  
 22 old has to do when he has to survive. I  
 23 survived the best I could.  
 24 Q. During that time period from 9 to  
 25 age 18, were you ever arrested as a juvenile?

1 Williams 46  
 2 stopped using heroin?  
 3 A. Yes.  
 4 Q. Why was that?  
 5 A. I stopped using heroin because I  
 6 got tired of the lifestyle.  
 7 Q. Did you have any help in stopping  
 8 the use of the drugs and this is what I meant by  
 9 treatment, did you go to a drug treatment center  
 10 or a program of some kind?  
 11 MR. GELLER: That's a compound  
 12 question. Could you break it up.  
 13 Q. Did you go to a program?  
 14 A. No.  
 15 Q. Did you go to a treatment center?  
 16 A. No.  
 17 Q. Was there some other institution or  
 18 facility that helped you either reduce or stop--  
 19 A. No institution, no facility, but an  
 20 organization.  
 21 Q. What was that organization?  
 22 A. The National of Islam.  
 23 Q. Are you a member of the Nation of  
 24 Islam?  
 25 A. No.

Page 44

Page 47

1 Williams 44  
 2 A. Between the ages of 9 and 18,  
 3 that's very broad.  
 4 Q. Your attorney would usually say  
 5 that.  
 6 What I'm trying to find out is, in those  
 7 years did you ever return home to Cornwall, New  
 8 York or did you remain in New York City?  
 9 A. Yes.  
 10 Q. You lived on your own or with  
 11 somebody else?  
 12 A. I lived on my own for quite a bit  
 13 of those years.  
 14 Q. I'm not going to take you through  
 15 the experience, but was it pretty much living on  
 16 the street; would that be a fair statement of  
 17 your lifestyle at that point?  
 18 A. If you call living in a domicile  
 19 that's a derelict building living on the street,  
 20 that's pretty much.  
 21 Q. During those years, was there any  
 22 involvement with either drugs or alcohol by  
 23 yourself?  
 24 A. Yes.  
 25 Q. Were you ever treated for either

1 Williams 47  
 2 Q. Were you a member at that time?  
 3 A. No.  
 4 Q. Did you come in contact with  
 5 members of the Nation of Islam that helped you  
 6 or gave you guidance in terms of your reduction  
 7 or non-use of heroin?  
 8 A. Repeatedly.  
 9 Q. Where was that, in New York City  
 10 here?  
 11 A. Here in the City.  
 12 Q. In terms of treatment was there any  
 13 medical treatment that you received or was this  
 14 just counseling and mentoring let's call it?  
 15 Do you understand what I mean?  
 16 A. Cold turkey.  
 17 Q. You were able to stop the use of  
 18 heroin?  
 19 A. Never used it again intravenously.  
 20 Q. In terms of your heroin use; did  
 21 you develop any medical conditions from the use  
 22 of heroin, either from the use of bad needles or  
 23 the drug itself?  
 24 A. None whatsoever.  
 25 Q. Did it have any effect on your

Page 45

Page 48

1 Williams 45  
 2 alcohol or drug abuse during that time period?  
 3 MR. GELLER: Can you clarify the  
 4 time period.  
 5 MR. SILVERSON: From the age of 9  
 6 years old to 18.  
 7 A. No. We need to back up a little  
 8 bit. When you say treated, you mean was there  
 9 any documentation of my being treated.  
 10 Q. What I meant by treatment, let me  
 11 explain, is that if you were involved -- let's  
 12 start with drugs. Were you using drugs between  
 13 the ages of 9 and 18?  
 14 A. Yes.  
 15 Q. What drugs were you using?  
 16 A. Heroin.  
 17 Q. Were you using intravenous drugs or  
 18 something else?  
 19 A. Yes.  
 20 Q. Did you ever try to kick the habit  
 21 by going methadone or something else?  
 22 A. Absolutely not.  
 23 Q. You were on heroin for how long?  
 24 A. About four years.  
 25 Q. Did there come a time when you

1 Williams 48  
 2 general health, as best as you can recall,  
 3 during that time period?  
 4 A. None whatsoever.  
 5 Q. Other than heroin, did you take any  
 6 other drugs during that time period?  
 7 A. Marijuana.  
 8 You are talking about what time period?  
 9 Q. In your teen years, when you were  
 10 in New York City living on your own.  
 11 A. Maybe alcohol, beer.  
 12 Q. That was going to be the next area.  
 13 Did you ever have a problem with the use of  
 14 alcohol, meaning alcohol abuse, to the extent  
 15 where it became a threat to your health?  
 16 A. Yes.  
 17 Q. When was that?  
 18 A. When was what?  
 19 Q. The alcohol abuse that became a  
 20 threat to your health.  
 21 A. Prior to becoming incarcerated at  
 22 those various facilities that you wrote down  
 23 recently.  
 24 Q. I have an idea of what I mean by  
 25 alcohol abuse. Can you tell me how you abused

Page 49

1 Williams 49  
2 alcohol; what alcohol you drank, the amount,  
3 quantity?  
4 A. The amount I couldn't tell you.  
5 well, I couldn't possibly. To give you an idea  
6 of the amount, that's sunup to sundown.  
7 Q. You were intoxicated for a good  
8 part of the day to say the least?  
9 A. I was intoxicated pretty much all  
10 the time. Yes.  
11 Q. If you can give me a time frame of  
12 when, what years this covered or maybe it was  
13 less than a year you tell me, I don't know?  
14 A. I can't.  
15 Q. As a result of this, this was prior  
16 to your heroin use or after your heroin use?  
17 A. After.  
18 Q. As a result of that, of the alcohol  
19 abuse, did you develop any medical conditions  
20 that you required medical treatment for?  
21 A. The alcohol consumption was the  
22 factor that deteriorated my liver.  
23 Q. Was there any other effect on your  
24 body, either from the heroin or the alcohol  
25 abuse that you know of, that was told to you

Page 50

1 Williams 50  
2 medically?  
3 A. None.  
4 Q. Other than the liver?  
5 A. Correct.  
6 Q. Let's say, from 18 years of age to  
7 again, I apologize for not having the exact  
8 times. You were born in '63, from about 18 to  
9 let's say 30, you somehow got into the iron  
10 working business. How did that occur, you  
11 became a member of the local?  
12 I've got you in New York to about 18  
13 years of age. There must come a time that you  
14 must leave New York to go back to West Virginia  
15 or somewhere elsewhere, where you became an iron  
16 worker; is that correct?  
17 A. I became an iron worker in South  
18 Carolina.  
19 Q. When did you get your card?  
20 A. I didn't have a card. They had a  
21 program which you can -- local 201 is out of the  
22 Washington D.C. They had a program where  
23 minorities could receive the benefits without  
24 becoming a member and get the same pay scale.  
25 Q. Was it a training program of some

Page 51

1 Williams 51  
2 kind?  
3 A. I was very much trained. In fact  
4 they used me to train some of their people, but  
5 they refused to let me get the full benefits of  
6 being in local 201.  
7 Q. Why is that?  
8 A. Probably because I'm an  
9 African-American.  
10 Q. Didn't you tell me that program was  
11 to basically benefit minorities of getting into  
12 iron working business, by getting the benefits  
13 and work in the same pay scale without having to  
14 go through the union process?  
15 A. If you're not going to have any  
16 union, what are you doing.  
17 Q. You're part of this 201 local,  
18 which is a national local of some kind?  
19 A. While I was working on certain  
20 jobs, yes.  
21 Q. The pay for an iron worker is  
22 pretty good?  
23 A. Yes.  
24 Q. It's one of the top construction  
25 fields?

Page 52

1 Williams 52  
2 A. Yes.  
3 Q. It's also high risk, in terms of  
4 injury and so forth.  
5 MR. GELLER: Is that a question.  
6 MR. SILVERSON: Just a comment.  
7 Q. Let me get back to the Franklin  
8 Correctional Facility. In June of 1994, there  
9 was some indication that you were suffering from  
10 depression and received some type of counseling  
11 at or in the institution or near the  
12 institution, while there.  
13 MR. GELLER: Object to the form.  
14 It assumes fact not in evidence.  
15 Q. Does that refresh your recollection  
16 of whether you had a psychiatric evaluation  
17 while at Franklin Correctional or one of the  
18 other correctional facilities?  
19 A. Every individual that goes into the  
20 division of correction goes through a  
21 psychiatric evaluation.  
22 Q. That consists of you speaking to  
23 psychiatrists or psychologists about your  
24 background and other information?  
25 A. It requires that we speak to

Page 53

1 Williams 53  
2 someone in that profession. Whether they're  
3 psychologists, psychiatrists or an analyst. I  
4 don't know.  
5 Q. You don't know their  
6 qualifications?  
7 A. Exactly. Nor do they show us their  
8 credentials.  
9 Q. Do they tell you or give you  
10 information as a result of that questioning, in  
11 that process?  
12 A. Absolutely not.  
13 Q. Do you know whether or not you were  
14 categorized into a particular level of  
15 psychiatric profile of some kind?  
16 A. Absolutely not.  
17 Q. Did you ever, while at those  
18 institutions between 1993 and 1995, ever  
19 indicate that you were suffering from  
20 depression?  
21 A. I have to elaborate on that one.  
22 Anyone who goes through the department of  
23 corrections and don't show any signs of  
24 depression, they're not normal. Because when  
25 you're away from society and your family, that

Page 54

1 Williams 54  
2 is a depressive state.  
3 Q. Other than that, being incarcerated  
4 and being taken out of society and being put in  
5 that environment, other than those factors, was  
6 there any other factors in either your prior  
7 life or that occurred in prison which caused you  
8 to suffer from depression?  
9 A. Not that I can recall, no.  
10 Q. Were you given any medication for  
11 this depression that you had in prison?  
12 A. No.  
13 Let me rephrase that. I don't recall  
14 taking any medication while incarcerated.  
15 Q. For depression?  
16 A. For depression.  
17 Q. Do you recall either discussing  
18 with a medical professional the idea of taking  
19 your own life, committing suicide?  
20 A. See that's a very tricky question.  
21 You need to clarify that.  
22 Q. Mr. Williams, you are making claim  
23 against St. Clare's Hospital for their alleged  
24 negligence. As part of your claim you're  
25 claiming emotional injuries. By my questioning

Page 55

Page 58

Williams 55  
now, I'm just trying to find out if you have any history of emotional injuries that either have been exacerbated by this case or existed prior to this case.

There is an indication in your records that there have been discussions, either from the records or their interview of you, that indicated that you had contemplated taking your own life or had actually attempted to do that on occasion.

That's my question. Do you have any recollection of having that type of conversation with a medical professional, during the years of '93 to '95 while incarcerated?

A. Can I elaborate?

Q. Certainly.

A. The dialogue, basically that conversation with their mental staff there, they ask every individual that comes through those doors about committing suicide, because they need to know whether they need to keep them under close supervision. I have never been under close supervision, in a straight jacket. I have never been an area of any institution where I

Williams 58  
Q. Do you recall having any conversation with any medical doctor about the results of that test?

A. I don't recall having a need to discuss it with a doctor, anything regarding a PPD test.

Let me elaborate. When they give you that skin test, if the centimeters is large, you got an issue, a large one. If you don't have no redness there, what is there to discuss. I've never had that.

Q. You do recall getting the test?

A. Every time.

Q. In close populations like that, people can be carriers?

A. Right.

Q. Also, in terms of your lower extremities, your legs. In or about January of 1995, did you ever have a problem with either your calves or parts of your legs that had ulcerations, sores?

A. I can't recall.

Q. More specifically on your right calf, where you had to have medical treatment

Page 56

Page 59

Williams 56  
would be considered a risk to myself or anyone else.

So, if it's in the record that I said something to that effect, that I would take my life and they didn't put me under close observation, they're in grave error. And I was never in a position where I was under close supervision, period.

Q. You've answered part of my question. The other part was, did you tell any of these doctors or medical professionals, that in the past that you had contemplated, whether it be recent past or way back in your past, to commit suicide?

A. I may have discussed it with them. But I have never told anyone about taking my life.

Q. Did you ever relate an incident, whether it be when you were very young or in recent times while at Franklin, concerning taking an overdose of pills; intentionally taking an overdose of pills.

MR. GELLER: I object to the form.

Could you read back the question. I

Williams 59  
for an ulcerated sore or sores that wouldn't heal?

A. No.

Q. I believe at that time you were still in jail, because the release date that we have is late 1995.

So, I just have a medical record which indicates that you had made a complaint of ulceration of your legs and some problems with your legs. If you don't recall, just indicate that and I'll go on.

A. I don't recall.

MR. GELLER: Can we take a break. (Whereupon, a short recess was taken.)

Q. It seems from my records, and you don't have to rely on that Mr. Williams, it seems that you were released in October of 1995, that's the date I have; October 10?

A. That's what I put down.

Q. The date of transfers from all these facilities are a little unclear from the records. For the purpose of this deposition, would you agree that it would be sometime in

Page 57

Page 60

Williams 57  
don't understand the time frame.  
MR. SILVERSON: Maybe I can explain and let me rephrase it to save time.

Q. Again, the time I'm talking about is when you were in jail from '93 to '95, approximately.

During your discourse with a medical doctor or medical professional about your emotional background, did you at any time tell anybody there that you had attempted to take suicide by ingesting or taking an overdose of pills; not that you were doing it in the prison, but in the past?

A. I can't recall.

Q. Do you recall having any discussion in January of 1994 while institutionalized, regarding an infection that you developed which they diagnosed as possibly tuberculosis?

A. What?

Q. Do you recall a test called a PPD test, where they tested you for exposure to tuberculosis?

A. Every time you go into an institution they give you that test.

Williams 60  
October of '95 that you got out of the prison system from Franklin?

A. I would agree that it was in '95. But I would not confirm the month.

Q. When one gets out of prison in those days, did you have to go to a halfway house or a program before you were let into a free society?

A. No.

Q. You went directly, you were released, you had served your sentence, there was no probationary period after that; is that correct?

A. In the State of New York during that time, you have parole, mandatory parole. Then you have a minimal discharge date and a maximum discharge date.

I did not make parole. When I got out in the year '95 that was mandatory parole. And I achieved that by not getting any infractions. Therefore, when that date come, it doesn't matter whether I have a place to stay. It doesn't matter whether I'm sick or dying, you're gone. So it really doesn't matter, you're out.



Page 61

1 Williams 61  
2 Q. When you got out Mr. Williams, how  
3 would you describe your general health in 1995?  
4 A. Euphoric.  
5 Q. I know that was your mental  
6 attitude, but in the terms of physical health,  
7 how would you describe your physical health?  
8 A. Fit. I was fit.  
9 Q. What did you do when you got out,  
10 where did you go to live?  
11 A. I went to -- I was in Washington  
12 Heights. The address I don't know.  
13 Q. Was it an apartment, did you move  
14 in with someone, was it a program facility or an  
15 outreach program for people who were released?  
16 A. It wasn't Washington Heights. 178  
17 Mount Eden Parkway, Bronx, New York 10457.  
18 Q. Was that an apartment?  
19 A. That was a home.  
20 Q. Meaning a private house?  
21 A. Yes.  
22 Q. Whose private house was that?  
23 A. It belonged to Gina Huddelston.  
24 Q. Who was Gina Huddelston?  
25 A. She was my mother's half sister.

Page 62

1 Williams 62  
2 Q. Did you remain with her for a  
3 period of time or did you move away?  
4 A. Long enough to accumulate my own  
5 funds, to get my own place.  
6 Q. What kind of work did you do when  
7 you first got out, during that first year?  
8 A. I think I did some roofing work for  
9 company out of Queens.  
10 Q. Were you just a part-time employee  
11 or something else?  
12 A. I don't do construction part-time.  
13 Its full-time.  
14 Q. Were you on the books or off the  
15 books?  
16 A. It was both.  
17 Q. Did you file tax returns?  
18 A. No. I could have, but I don't  
19 think that I did. I know I didn't do it, I  
20 think I got fine for that, for not filing.  
21 Q. Again, Mr. Williams correct me if  
22 I'm wrong, your records seem to indicate that  
23 when you left prison in '95, within a short  
24 period of time thereafter you entered something  
25 called Project Return drug program, located at

Page 63

1 Williams 63  
2 814 Amsterdam Avenue?  
3 A. That was after.  
4 Q. So, you left Mount Eden Parkway and  
5 you went where?  
6 A. I got a room on 158th Street.  
7 Q. Single room occupancy, SRO?  
8 A. Beg your pardon?  
9 Q. Single room occupancy or did you  
10 rent an apartment or a room in an apartment?  
11 A. It was a room inside of an  
12 apartment.  
13 Q. You continued to work at various  
14 jobs or at a particular job?  
15 A. As I said, I did some work with a  
16 roofing company. Then I got involved in some --  
17 I used to sell stuff down on Green Street down  
18 near Canal. I would buy merchandise and go down  
19 there and sell it on weekends. That's how I  
20 supported myself. During that time I caught a  
21 violation of my parole from the '93 to '95  
22 conviction, which in turn resulted in my being  
23 at Project Return.  
24 Q. What was the violation of your  
25 parole; what caused you to be there, not

Page 64

1 Williams 64  
2 reporting something or something else?  
3 A. I couldn't answer that honestly. I  
4 don't remember.  
5 Q. It did require you to go into  
6 Project Return as a result of the violation?  
7 A. Yes. It wasn't serious enough for  
8 me to go back to prison.  
9 Q. Project Return, from our  
10 information is a drug program?  
11 A. Yes.  
12 Q. Were you involved with drugs in  
13 1995, that required you to go into a drug  
14 program?  
15 A. I think it was drugs or alcohol.  
16 I'm not going to confirm either, because I don't  
17 remember.  
18 Q. Was it heroin again or something  
19 else?  
20 A. No. It was either drugs or  
21 cocaine. I'm sorry, I mean alcohol or cocaine.  
22 Q. As a result of going into the drug  
23 program, that was a confined program where you  
24 had to live there and you were released, you had  
25 to stay there at night or it was a lockdown

Page 65

1 Williams 65  
2 facility or something else?  
3 A. No, it's not a lockdown facility.  
4 It's actually pretty much voluntary, because you  
5 can come and go as you pleased. It was a six  
6 month program designed to help people  
7 reintegrate themselves back into society.  
8 The reason why they put emphasis on it  
9 being a drug program, because most of the  
10 individuals that come through there did have a  
11 drug problem, but not all.  
12 Q. While at Project Return, did any  
13 medical conditions develop that required medical  
14 intervention or for you to go see a doctor?  
15 A. Spellman Clinic.  
16 Q. When you say Spellman Clinic, are  
17 you saying that a doctor referred you to  
18 Spellman Clinic?  
19 A. No. I'm saying that Spellman  
20 Clinic had me under their treatment.  
21 Q. How did you get from Project Return  
22 to the Spellman Clinic; did you walk in off the  
23 street to the Spellman Clinic or did somebody at  
24 Project Return refer you or did a doctor refer  
25 you or something else?

Page 66

1 Williams 66  
2 A. While at Project Return, there were  
3 several individuals at Project Return who  
4 brought patients at Spellman Clinic a/k/a St.  
5 Clare's Hospital. These people were, I suppose,  
6 busy this particular day and I had to take Jose,  
7 to escort him to St. Clare's. His last name I  
8 don't remember.  
9 While there, I was asked to take some  
10 test. Jose said, go ahead man take it, do a  
11 physical or something to that effect. I had my  
12 public assistance card with me, because as soon  
13 as you go under Project Return, you are not  
14 allowed to work. You immediately go on public  
15 assistance medical, whatever they call,  
16 Medicaid. I had my credentials on me. So I  
17 gave them the credentials. They did the  
18 paperwork. Next thing you know they extracted  
19 blood.  
20 Q. Let me just back up a little bit.  
21 While at Project Return, somebody there asked  
22 you to accompany Jose to Spellman Clinic?  
23 A. Somebody, the staff, when you are  
24 classified, certain people under certain  
25 classifications have to be escorted and I was



Page 67

Williams 67

1 elected to escort him to 415 West 51st Street,  
2 St. Clare's Hospital and Health Center.  
3 Q. If you know, what was Jose's  
4 condition or medical problem which required him  
5 to be escorted by you to the Spellman Clinic?  
6 A. I did not have privilege to that  
7 information.  
8 MR. GELLER: I'm just going to  
9 object to the form. Was the question  
10 what was his condition that caused him to  
11 be escorted?  
12 MR. SILVERSON: If he knew,  
13 apparently there was some patients that  
14 could go voluntarily and others who  
15 needed escort.  
16 MR. GELLER: I just want to make  
17 sure I understood the question.  
18 A. I just told you that.  
19 Q. Did he need physical assistance,  
20 was he in a wheelchair, was he on crutches?  
21 A. No. It was due to his  
22 classification.  
23 Q. Do you know what that  
24 classification was?  
25

Page 68

Williams 68

1 A. Yes. He has to be escorted where  
2 he goes for a certain period of time.  
3 Q. Do you know whether or not Jose,  
4 was treating at Spellman for an AIDS related  
5 disease, if you know?  
6 A. Now let's back up, when you say did  
7 I know, did I know at what point in time?  
8 Q. At the time you took him.  
9 A. No.  
10 Q. Tell me, when you took him to the  
11 hospital where in the hospital did you take  
12 Jose?  
13 A. To the third floor.  
14 Q. What's on the third floor, if you  
15 know?  
16 A. When you go to the third floor--  
17 Q. It's not the emergency room, is it?  
18 A. No.  
19 Q. It's another part of the hospital.  
20 Do you know what department it is?  
21 A. It's the area where they see people  
22 with HIV AIDS related diseases.  
23 Q. While you were there with Jose,  
24 were you required to stay with him when he met  
25

Page 69

Williams 69

1 with the medical professional, whoever he was  
2 going to see?  
3 A. I was required to be with him  
4 everywhere except when he was in consultation.  
5 Q. Do you recall whether Jose had a  
6 consultation that day?  
7 A. That was the reason why I escorted  
8 him.  
9 Q. Did you remain in the hospital  
10 while he had that consultation?  
11 A. After we arrived there, he had to  
12 wait until the physician was available to see  
13 him. During this time he urged me to do some  
14 paperwork and take a test.  
15 Q. This is on the third floor of St.  
16 Clare's which treats HIV patients. Mr.  
17 Williams, why would you want to take a test at  
18 that part of the hospital dealing with HIV  
19 patients?  
20 A. First of all, let's get something  
21 understood here. I didn't know this was an HIV  
22 clinic, that was number one.  
23 Number two, I just thought it was a  
24 medical facility that does physicals and stuff  
25

Page 70

Williams 70

1 of that nature.  
2 Q. Were you suffering from any  
3 symptoms at that time, on that particular day  
4 that you took Jose?  
5 A. Absolutely not.  
6 Q. So what would be the reason for you  
7 wanting to take tests at a hospital without  
8 symptoms, without feeling sick, what would  
9 possess you to do that?  
10 A. What possessed me to do that, just  
11 get a status of my health.  
12 Q. When you went to the drug program,  
13 didn't they do a physical examination prior?  
14 A. Absolutely not.  
15 Q. Weren't your medical records  
16 available to the personnel at Project Return to  
17 determine what the status of your health was?  
18 A. Repeat that.  
19 Q. Let me ask another question.  
20 Did you wait for Jose that day after his  
21 consultation and then take these tests that you  
22 talked about, or was it before you went in for  
23 his consultation?  
24 A. It was during his consultation.  
25

Page 71

Williams 71

1 Q. Did you have to fill out some  
2 forms?  
3 A. Absolutely.  
4 Q. When you filled out those forms,  
5 did you realize then that it was an HIV section  
6 of the hospital, that was testing for HIV?  
7 A. I did not find out that that was an  
8 HIV clinic until approximately two weeks later.  
9 Q. So even though you took Jose to the  
10 third floor, which you told me was an HIV  
11 section of the hospital and he was going for a  
12 consultation, you had no idea that either he was  
13 being treated for HIV or patients there were  
14 being treated for HIV?  
15 A. I didn't even know he was HIV  
16 positive.  
17 Q. I didn't say whether he was  
18 positive or negative. Did you at some time find  
19 out that he was HIV positive?  
20 A. Everyone of them was being treated.  
21 I shouldn't say everyone, because I wasn't.  
22 MR. GELLER: Could the court  
23 reporter read back the question that you  
24 just asked.  
25

Page 72

Williams 72

1 (Whereupon, the prior question was  
2 read back by the reporter.)  
3 MR. GELLER: Do you understand the  
4 question?  
5 MR. SILVERSON: The question was,  
6 did he find out that Jose was HIV  
7 positive.  
8 MR. GELLER: What's the time period  
9 for the question?  
10 MR. SILVERSON: That day he went  
11 there with Jose, that's the only time  
12 period.  
13 A. No, I did not.  
14 Q. When you filled out the forms, did  
15 you indicate any symptoms that you were  
16 suffering at that time to be tested at St.  
17 Clare's Hospital on that particular day?  
18 A. Mr. Silverson, I don't recall  
19 filling out the forms myself. I do recall  
20 having someone ask me questions while filling  
21 out the forms. Neither they or anyone else  
22 indicated to me the status or the practice of  
23 this particular area of the hospital.  
24 Q. Mr. Williams, prior to the time  
25

Page 73

Page 76

Williams 73  
that you went to St. Clare's on that particular day, did you have knowledge of what HIV and AIDS was, in terms of a disease?

A. Like any other person of ignorance, I just thought it was a disease that homosexuals and intravenous drug users get and people who are careless and promiscuous.

Q. You knew that because you had been tested in the prison, you had taken an HIV test?

A. I knew that because of the -- I knew that information because of general information.

Q. You also knew when you got out of prison and while in prison that having been tested for HIV you were found to be negative for HIV?

A. Correct.

Q. So my question to you now is, when you went to St. Clare's on that day with Jose, what was the purpose of you, number one, filling out forms to be examined and be tested at St. Clare's, what was your purpose and intent?

MR. GELLER: Objection to the form. That was asked and answered.

Page 74

Page 77

Williams 74  
Q. Was there anything that happened from the time you got out of prison until that day that you went to St. Clare's by way of having unprotected sex, intravenous drug use or any homosexual activity, that would lead you to believe that you might have contracted the disease?

A. When I was at St. Clare's I didn't undergo those tests, because I thought it was basically a physical.

I was in the streets, I was drinking, possibly even doing some drugs. And mind you I was already told prior to leaving prison that I should eat healthy and drink if I wanted my liver to refurbish it's own self. Having not abided by that particular suggestion by a medical physician, I just wanted to see if I can possibly get information on whether I did any further damage to myself in that regard.

Q. So are you saying that from the time you were released from prison, that you used intravenous drugs?

MR. GELLER: Objection. That mischaracterizes his testimony.

Page 75

Page 78

Williams 75  
Q. There was something that made you want to be further tested; correct?

A. No. There was something that made me want to just get checked out. Not tested.

Q. By the way, how long had you been at Project Return before you escorted Jose to St. Clare's?

A. I don't recall.

Q. Would it be more than a month?

A. I can't recall.

Q. Would it be fair to say that you resided at Project Return from about February of 1996 through January of 1997; would that be fair to say?

A. That's not a fair assumption, because I just said I can't recall.

Q. If I were to tell you that the records reflect that you were in Project Return from February of '96 to January of '97, would that refresh your memory as to whether you were there during that time period?

A. It would not.

Q. Would it be fair to say that before you were given the duties of an escort, to

Williams 76  
escort people to and from the hospital, that you would have had to have been in Project Return for a certain period of time?

A. Yes.

Q. During that certain period of time, whatever it was, whether it was a week, a month, two months, whatever that time period was, did you have any concerns about your health?

A. No.

Q. So that on the particular day that you took Jose to the hospital, was that the first time that you had any concerns about testing yourself, to determine the status of your health?

A. I wouldn't call it a concern. I would call it being compulsive. Because I was in a medical institution. They do test. I was free, Jose was occupied. I couldn't leave until he was ready. So why not take a test, take a checkup.

Q. Had you ever escorted Jose before this?

A. No.

Q. Did you know Jose from living in

Williams 77  
Project Return?

A. I've seen him. I didn't associate with him.

Q. On that particular day, did Jose discuss anything with you regarding his condition or anything else regarding his health?

A. Absolutely not.

Q. Did you have any general discussions about factors, to the extent that people that are diagnosed with HIV, being found HIV positive, get certain housing benefits and financial subsidies once found to be HIV positive?

MR. GELLER: Object to the form.

Is that a question?

MR. SILVERSON: Yes.

MR. GELLER: Could you repeat the question.

Q. Did you have any knowledge of the fact that people who are found to be HIV positive are entitled to certain financial benefits, such as housing subsidies and the benefits of prescription medications to treat the virus, were you aware of that?

Williams 78  
A. Aware when?  
Q. At the time you went to St. Clare's Hospital with Jose.

A. The initial time?

Q. Yes, sir.

A. Absolutely not.

Q. Did there come a time that you did learn about that, the benefits that one receives?

A. Yes.

Q. When was that?

A. After St. Clare's diagnosed me as being HIV positive.

Q. What information did you learn after being diagnosed HIV positive regarding housing?

Let's start with housing allowance as a subsidy.

A. What did I learn?

Q. Yes.

A. That I can get assistance.

Q. What type of assistance would that be?

A. Just assistance with housing.

Page 79

Williams 79

Q. How about food?

A. I didn't need food. I had food at Project Return.

Q. If you were found to be HIV positive, didn't you learn that if you found a residence to live, that you would get some benefit from the State or the Federal government in regard to defraying the cost of paying for that housing?

A. You get food and public assistance without being sick, from Welfare.

Q. In addition to the public assistance that you were getting, did you learn that people who are diagnosed with HIV and found to be positive, in addition to their public assistance, got additional monies for having been found to be HIV positive?

A. People don't get additional money. You may get some assistance with housing, but you do not get any increase other than what you would get when you're normally homeless on the street. You get nothing additional to that. And if you did, I was never informed of it.

Q. What tests did you take on the day

Page 80

Williams 80

you went with Jose to St. Clare's?

A. What tests did I take?

Q. Yes.

A. All I can tell you is that they extracted blood.

Q. Where within the hospital did you go for that?

A. Where in the hospital did I go for that?

Q. Yes.

A. I went right there on the third floor.

Q. The forms that you filled out--

MR. GELLER: Just to have a clear record, this is the same certified copy that was sent over to us maybe a week or so ago? What's the date on the front?

For the record, the first page is the same.

MR. SILVERSON: This is a copy of the record. We got an original signature, I guess you got one as well.

MR. GELLER: Yes. From that date, November 9.

Page 81

Williams 81

MR. SILVERSON: I may want to make a reference to the record.

MR. GELLER: Off the record. (Whereupon, a discussion was held off the record.)

MR. SILVERSON: Let's mark these records as Defendant's Exhibit A subject to the originals.

(Whereupon, the above referred to document was marked, "Defendant's Exhibit A for identification," as of this date, by the reporter.)

Q. Mr. Williams, let me show you what has been marked as Defendant's Exhibit A for identification. It's entitled a consent form from St. Clare's Hospital dated November 11, 1996.

I just ask if that's your signature on the page?

A. Yes, it's my signature.

Q. Would that indicate, Mr. Williams, that you were present at St. Clare's Hospital on November 11, 1996?

MR. GELLER: I'm just going to

Page 82

Williams 82

state for the record that the date here next to the signature is the 10th of November 1996.

MR. SILVERSON: In that regard--

Q. The date you took Jose to St. Clare's Hospital, and the date which you say you scheduled some tests for yourself, do you recall what that date was?

A. No, I do not.

Q. By looking at what's been marked as Defendant's A for identification on which you've identified your signature thereon, would either November 10 or November 11 refresh your memory as to what date you went to St. Clare's Hospital with Jose?

A. No. It doesn't actually refresh my memory. This is the document that I signed on the initial visit. I would have to conclude that it's correct.

Q. There are two dates on this form, one says November 11 and one says November 10. The date that you took Jose to St. Clare's, was that the same date that you took the test or was

Page 83

Williams 83

that the date that you just filled out the forms?

A. That's the date I filled out the forms and took a test.

Q. What test did you take on the date that you filled out the forms?

A. I don't know.

Q. There are many tests in a hospital. Did you take a urine test?

A. No.

Q. Did they do what's called an EKG?

A. No.

Q. Do you know what an EKG is?

A. Yes.

Q. Did you have a physical exam by a medical doctor or a nurse?

A. That's what I thought I was going to have, but no.

Q. Did someone check your extremities, meaning arms, legs, ears, nose, throat, head, that kind of thing?

A. That's what I thought I was going to have.

Q. What test did you have?

Page 84

Williams 84

A. All they did was extract blood.

Q. At the time that happened, did you ask anybody what other tests you would need to take or anything about the blood test that was being given to you at that time?

A. Only thing that I asked was, what happened to the checkup that I thought I was going to have.

Q. What did they tell you?

A. They just said you'll be scheduling another appointment.

Q. This first blood test, did you ask them whether you would get results that very same day or did they tell you to come back at another day?

A. I can't recall.

Q. Did you come back another day after that first test?

A. Yes.

Q. Did you ever get the results of that first test?

A. Yes.

Q. What were the results of that test?

A. Non-reactive.



Page 85

Page 88

1 Williams 85  
 2 Q. What did you understand the words,  
 3 non-reactive, to mean?  
 4 A. I had no idea what they were  
 5 talking about.  
 6 Q. Did you ask somebody?  
 7 You've been in hospitals and treated with  
 8 doctors before. Did you think to ask anybody  
 9 what the words, non-reactive, meant in terms of  
 10 your blood test?  
 11 A. No.  
 12 Q. Did it seem to be a good thing or a  
 13 bad thing to you at the time?  
 14 A. I had no idea. I mean, it really  
 15 didn't register.  
 16 Q. Did you know at the time that the  
 17 blood that was taken from you, whatever date  
 18 that was, was going to be tested for HIV virus?  
 19 A. No.  
 20 Q. You did not know that?  
 21 A. No.  
 22 Q. Did you have any idea what the  
 23 blood test was being taken for and what results  
 24 the doctors were looking for within the blood?  
 25 A. No.

1 Williams 88  
 2 escorting someone.  
 3 Q. What you just said, you took the  
 4 blood test on the day you brought Jose there;  
 5 right?  
 6 A. Right.  
 7 Q. Then you went back to get the  
 8 results on another day?  
 9 A. Yes.  
 10 Q. Were you escorting Jose again on  
 11 that particular day?  
 12 A. Yes.  
 13 Q. When you say, you wanted to get out  
 14 of there, meaning you wanted to get back to  
 15 wherever you were taking Jose?  
 16 A. Yes.  
 17 Q. So he had gone with you the second  
 18 time?  
 19 A. Actually, I didn't even tell  
 20 Project Return that I had an appointment. As  
 21 far as I was concerned, it was just a checkup,  
 22 you know. Whether I got the results or not, it  
 23 really wasn't -- I felt good. So it really  
 24 didn't matter.  
 25 Q. You felt good?

Page 86

Page 89

1 Williams 86  
 2 MR. GELLER: Object to the form.  
 3 If you could break it up.  
 4 MR. SILVERSON: I'll just ask  
 5 another question.  
 6 Q. Who told you the test was  
 7 non-reactive?  
 8 A. The physician who gave me the  
 9 results.  
 10 Q. Other than saying those words to  
 11 you, was there any other explanation given?  
 12 A. I don't understand what you mean.  
 13 Q. Did the doctor say, you're  
 14 non-reactive and we'd like you to take another  
 15 test, or you don't need to worry, your blood is  
 16 fine or something else?  
 17 A. It was more or less, like, your  
 18 blood is non-reactive, we're going to take  
 19 another test. Because I recall them saying  
 20 something wasn't conclusive to what they were  
 21 looking for. And that's why they wanted to run  
 22 more tests.  
 23 Q. Did they tell you what it was they  
 24 were looking for?  
 25 A. No.

1 Williams 89  
 2 A. I felt excellent, yes.  
 3 Q. Do you recall at Project Return  
 4 that there was a nursing staff there?  
 5 A. Yes.  
 6 Q. Do you recall that during the time  
 7 you were there and prior to going for this test  
 8 that you had been either examined or had a  
 9 consultation with the nursing staff?  
 10 MR. GELLER: Object to the form.  
 11 Q. Prior to escorting Jose and then  
 12 subsequently for your blood test, had you made  
 13 any medical complaints to the nurse at Project  
 14 Return?  
 15 A. Regarding?  
 16 Q. I'll tell you in a second.  
 17 While at Project Return, did you  
 18 regularly go for medical checkups, was that part  
 19 of the requirement while you were there?  
 20 A. I don't understand your question.  
 21 Q. It's a drug program, so for  
 22 example, do they periodically test your urine to  
 23 see if you are using drugs?  
 24 A. Yes.  
 25 Q. If you're sick, if you are not

Page 87

Page 90

1 Williams 87  
 2 Q. Do you recall the name of this  
 3 person?  
 4 A. No.  
 5 Q. Do you know whether this person was  
 6 a doctor, nurse or technician?  
 7 A. No. A technician would be someone  
 8 like a phlebotomist; correct?  
 9 Who is the technician?  
 10 Q. Well, meaning a medical technician  
 11 of some kind, meaning a phlebotomist or an aide,  
 12 a nursing aide, somebody that would draw blood?  
 13 A. It was someone who had a medical  
 14 degree.  
 15 Q. When they said they were looking  
 16 for something, did you make any inquiry as to  
 17 what it was that they were looking for?  
 18 A. No.  
 19 Q. Did they tell you what other  
 20 testing they wanted to do, because you had  
 21 indicated they said they wanted to do further  
 22 tests.  
 23 A. No. At this particular point, I'm  
 24 quite sure I just wanted to hurry up and get out  
 25 of there. On this particular day I was

1 Williams 90  
 2 feeling well, if you have a cold or if you have  
 3 complaints of headaches or other ailments, do  
 4 you have the availability of going to the nurse  
 5 or the medical person at Project Return to get  
 6 treatment or to get help?  
 7 A. Yes.  
 8 Q. Do you recall at or about the time  
 9 that you went to St. Clare's with Jose that you  
 10 had made any such complaints about your health,  
 11 meaning that you were sick and not feeling well?  
 12 A. I got a cold or something. I don't  
 13 understand the question.  
 14 Q. You said your health was  
 15 excellent?  
 16 A. Yes. My health was excellent.  
 17 Q. You went to St. Clare's with Jose  
 18 and you decided to get a further check up on  
 19 your health?  
 20 A. Yes.  
 21 Q. What I'm saying is, prior to that,  
 22 had you had any complaints that you made to the  
 23 Project Return Foundation nurse about your  
 24 health condition?  
 25 A. I don't recall.



Page 91

Williams 91

Q. Do you ever recall speaking to a Dr. Akum?

A. No.

Q. Were you on any medications while at Project Return for any health condition that you had?

A. I don't recall.

Q. Did you ever have a neurological consult while at Project Return for any complaints of pain in any of your extremities?

A. Neurological, meaning something regarding my nervous system?

Q. Yes.

A. Not that I recall.

Q. Do you recall being prescribed Naprosyn or Motrin as a drug for pain while there?

A. I recall getting Naprosyn from Spellman Clinic.

Q. But not from Project Return?

A. No.

Q. Did you receive any medications to your knowledge from Project Return while there and while you were attending St. Clare's

Page 92

Williams 92

Hospital, for these tests that you recall?

A. From my recollection, Project Return cannot prescribe medication.

Q. Did you have any type of major depression or psychotic episodes while at Project Return?

A. After St. Clare's gave me those diagnosis, yes.

Q. Meaning the diagnosis of HIV positive?

A. Yes.

Q. Then you had a psychotic episode?

A. I wouldn't say I was psychotic. I would say depressive.

Q. Can you describe for me what reaction you had after learning that you had the HIV virus?

A. I was completely overwhelmed. All I thought of was my day of death is sure to come soon.

Q. Did you request help from a psychologist or psychiatrist to deal with this issue at that time?

A. I'm not sure if I did or not, but I

Page 93

Williams 93

think I did speak to one and I'm not sure whom.

Q. After the first visit and after that first test when the doctor said they wanted to retest you, did you go back for another blood test to St. Clare's?

A. Repeat that?

Q. The day you went with Jose, you had a blood test, the first time?

A. Yes.

Q. You came back a second time and you met with a medical doctor who told you that they wanted to do further tests. Did you, in fact, go back to St. Clare's and have further blood tests?

A. I was already at St. Clare's when they did the test.

Q. There was a second test done on or about, I guess, the 19th of November according to the records. Does that refresh your recollection as to the date the second test was done?

A. Whenever I went to St. Clare's it usually was to get results of the previous test. And they take more tests.

Page 94

Williams 94

Q. The first test that you got there, did you ever state to anyone at the hospital that that test and that blood was not your blood?

A. No.

Q. Did there ever come a time that you went for a test at St. Clare's for a blood test and that you had to wait too long and you got impatient and left and didn't take the test?

A. I can't recall ever leaving or being impatient.

Q. Did there come a time that a blood test was scheduled at St. Clare's, you showed up at St. Clare's, and at some point you left before taking the test?

A. Usually when it's time to take blood, the phlebotomist is always available. We used to call them dracula.

Q. Let's go to the second test. The first test, there was something there but they weren't sure. And the second test shows that your --

MR. GELLER: Objection to form. That's mischaracterizing the testimony.

Page 95

Williams 95

MR. SILVERSON: Whatever the testimony is, it is.

Q. The second test apparently showed that you were HIV positive; is that correct?

A. The first test was what?

Q. You told me about the first test.

I have no idea what the first did. You told me the test--

A. Repeat the question, please.

Q. Let me start again. There was a series of blood tests that you took at St. Clare's, which is the subject of this lawsuit. There was a first test that you took when you went with Jose. Then you got some results, and that there was no finding of HIV on those tests. Then there was a second test scheduled for you. I don't know whether you recall the dates or not, but for the purposes of this deposition assume that it was a week or so later.

Do you remember going for a second blood test?

A. I remember going in.

Q. This was the test that would have

Page 96

Williams 96

showed up positive.

A. Your question is, did I go back for a blood test?

Q. Let me try again.

There is a series of blood tests that you took at St. Clare's in the months of November and December of 1996. Do you recall doing that?

A. Yes.

Q. There was also one in 1997 that you took as well at St. Clare's?

A. Yes.

Q. The first test that you took, the first day that you got there, we're trying to find out that date, it's somewhere around 11 or 12th of November.

MR. GELLER: Objection to form. I think the record says the 10th or 11th.

MR. SILVERSON: Yes, the 10th or 11th.

Q. Either of those dates, that was the first time that you took blood at St. Clare's and that was the one where you told me that the doctors were equivocal, they couldn't make any findings as to whether or not there was any HIV

Page 97

1 Williams 97  
2 virus?  
3 A. I took a test on that day. No  
4 results was given to me that day.  
5 Q. You came back and got the results?  
6 A. Right.  
7 Q. What were the results?  
8 A. As I said, something to the effect  
9 that non-reactive and they want further testing  
10 done.  
11 Q. Now I'm going to the next test,  
12 after the non-reactive finding.  
13 The next test, would it be fair to say it  
14 was about a week later?  
15 A. It was when I went back the second  
16 time.  
17 Q. Yes.  
18 A. They extracted more blood.  
19 Q. Did you get a result of that second  
20 test?  
21 A. Yes.  
22 Q. That result was an HIV positive  
23 finding?  
24 A. Yes.  
25 Q. Did there come a time that you took

Page 98

1 Williams 98  
2 a third test?  
3 A. Yes.  
4 Q. Do you recall how soon after that  
5 second test the third test came?  
6 A. Do I recall?  
7 Q. Yes.  
8 A. How soon?  
9 Q. Well, if I were to tell you that it  
10 was approximately a month later, would that be a  
11 fair statement?  
12 A. I couldn't say.  
13 Q. Would it refresh your memory if I  
14 told you that the records reflect that you had a  
15 blood test on the 17th of December 1996, which  
16 was approximately almost 30 days after the  
17 second test?  
18 A. Yes.  
19 Q. And that third test came back and  
20 showed HIV positive?  
21 A. Yes.  
22 Q. Then there was a fourth test in  
23 January of 1997, approximately a couple of weeks  
24 after that also?  
25 A. Yes.

Page 99

1 Williams 99  
2 Q. Having had those tests and having  
3 found out that you were HIV positive, were you  
4 prescribed some medication and treatment?  
5 A. Yes.  
6 Q. First of all, do you recall any  
7 doctor that you dealt with after finding out  
8 that you were HIV positive, do you know the name  
9 of the doctor?  
10 A. No.  
11 Q. Who is Dr. Lazarus?  
12 A. Dr. Lazarus is the doctor who was  
13 named on most of my medical documents from St.  
14 Clare's.  
15 Q. When did you first meet Dr.  
16 Lazarus?  
17 A. I can't recall.  
18 Q. Was it at any time within the time  
19 frame of those blood tests that you had, that  
20 showed that you were HIV positive?  
21 A. I beg your pardon?  
22 MR. SILVERSON: Can you repeat the  
23 question.  
24 (Whereupon, the prior question was  
25 read back by the reporter.)

Page 100

1 Williams 100  
2 A. I can't recall that either.  
3 Q. Does the name, Miss Roehrig, a  
4 physician's assistant, ring a bell as to  
5 refreshing your memory?  
6 A. Yes.  
7 Q. Was she the person that you dealt  
8 with during the time period that the blood tests  
9 were being given?  
10 A. Not exclusively, no.  
11 Q. What contact did you have with Miss  
12 Roehrig during the months of November and  
13 December of 1996 and January of 1997?  
14 A. She is the physician who told me  
15 the results of the blood work. And she is the  
16 physician who had -- well, this is what I  
17 remember her saying. She said that she had to  
18 confirm with someone in order to see if they  
19 were going to start treatment. I remember her  
20 leaving the examination room, coming back and  
21 saying that treatment needs to be started  
22 immediately.  
23 Q. Was she the person that first told  
24 you that you were HIV positive?  
25 A. That I don't remember.

Page 101

1 Williams 101  
2 Q. I believe her first name is Dawn  
3 Roehrig?  
4 A. I can't be absolute.  
5 Q. Dr. Lazarus, what part did he take  
6 in these blood tests that you had?  
7 When I say blood tests, I'm referring to  
8 the tests that were taken in November, December  
9 and January.  
10 A. What part did he play?  
11 Q. Yes. What did he do with you by  
12 way of medical treatment or consultation?  
13 A. I can't recall Dr. Lazarus. As I  
14 said before, I met, I've interacted with  
15 numerous physicians at St. Clare's Hospital and  
16 Health Center. And whom they were by name, I  
17 don't know.  
18 Q. Dr. Lazarus, was he one of the  
19 persons that drew your blood, did he actually  
20 draw?  
21 A. No. It was a phlebotomist who drew  
22 the blood.  
23 Q. Dr. Lazarus, on any of the  
24 occasions that you got your blood results back,  
25 did he discuss with you what the findings were?

Page 102

1 Williams 102  
2 A. I can't recall that.  
3 Q. Did you go to his office for  
4 treatment after, the year of 1997, after being  
5 diagnosed with HIV?  
6 A. Well, since he was the chief  
7 physician I would think that, yes, from the  
8 beginning I was entering his offices within the  
9 confines of St. Clare's Hospital.  
10 Q. Did you meet with him and did he  
11 conduct physical examinations?  
12 A. I can't say I had. I can't say I  
13 met him. I met numerous physicians there and  
14 who they are, I can't recall.  
15 Q. Mr. Williams, when you started this  
16 lawsuit, you did it by what they call pro se, by  
17 yourself?  
18 A. Yes.  
19 Q. You named him as a named defendant  
20 in the lawsuit?  
21 A. Yes.  
22 Q. You made certain allegations as to  
23 what he did or didn't do in regards to treating  
24 you?  
25 A. That is correct.

Page 103

Page 106

Williams 103  
Q. What I'm trying to find out is what things he did or didn't do in terms of your treatment, what you can recall.  
For example, when was the first time that you met Dr. Lazarus?

A. May I confer with my counsel?

Q. Sure.

MR. SILVERSON: Off the record.  
(Whereupon, a discussion was held off the record.)

Q. The question, more simply put is, when did you first meet Dr. Lazarus?

A. I don't recall if I ever met Dr. Lazarus or not.

The reason why I had Dr. Lazarus as a defendant is because he is on all my paperwork, his name is on all my paperwork. I had my sister make an inquiry for me back in 2003 or 2004 when I was drafting my complaint and interrogatories as to who Dr. Lazarus was. And I was apprised that Dr. Lazarus was the chief physician. So he, to me of course, appeared to be the most credible defendant to name in my petition.

Williams 106  
effect -- that there is an amount of virus that you have in your blood. Then she was saying that the medication would keep it low. And for me to be very prompt and being on time taking this medication.

Q. Do you recall the names of the medications that was prescribed for you to combat the HIV positive virus that they identified?

A. Epivir, Retrovir and Saquinavir.

Q. These are pills?

A. Yes.

Q. Are they to be taken daily?

A. Yes.

Q. They're three different types of pills that you would take?

A. Well, actually there were numerous of other medications.

Q. Can you identify those for me?

A. No.

Q. Were they related to the treatment of the virus?

A. Yes.

Q. Can you tell me what they were?

Page 104

Page 107

Williams 104  
Q. So your answer to my question about meeting with him is, you don't have any recollection of any specific meetings and whatever allegations you set forth in your complaint as to him was based on the fact that he was head of the department or in some capacity showed up on your name plate on various medical documents at St. Clare's?

A. Correct.

Q. You had more direct contact then with Miss Roehrig in terms of your testing in the initial stages of your appearances at St. Clare's, that she was the physician's assistant who had some discussion with you about your condition; right?

A. I spoke with her on numerous occasions.

Q. What advice did she give you in terms of how to treat the condition that had been diagnosed as being HIV positive, did she give you a checklist of things to do or did she refer you to a physician or some other entity to help you with this condition?

MR. GELLER: I object to the form.

Williams 107  
A. I can tell you some of the names. I can't give you the complete list of all of them.

Q. It's in your record, so just do the best you can?

A. She had me on two types of Prozac, Zithromax.

Q. Prozac is an antidepressant drug; is it not?

A. That is correct.

Q. That was part of your treatment plan?

A. That was part of what they were giving me.

MR. GELLER: I'm just going to ask for a pause for one second. I want to confer with him.

Off the record.

(Whereupon, a discussion was held off the record.)

MR. SILVERSON: You can continue with your answer.

A. All these various medications that were prescribed to me were not prescribed

Page 105

Page 108

Williams 105  
I think that mischaracterizes his testimony. You can go ahead and answer if you understand.

A. Miss Roehrig was -- basically she gave advice on how I should not miss taking the medication. I should be consistent with taking the medication. She put emphasis on how dangerous it would be for me to discontinue it at any time. She told me that I should be careful to let -- to keep my viral load down. In the beginning I had no idea what she was talking about, until we had a little more in depth conversation of what viral loads are and stuff of this nature, which helped me to be more informative about the diagnosis which they were treating me for.

Q. As best as you can remember by way of substance of what she told you, what did she tell you about viral loads and your treatment; you said she went into some depth, as best as you can remember.

A. She said that the viral load is something that determines the virus in like regard to your blood or something to that

Williams 108  
exclusively by Roehrig. They were prescribed by a number of doctors under the supervision of Ted Lazarus. So when I give you some of the names of the medications that was prescribed to me, it wasn't prescribed exclusively by Dawn Roehrig.

Q. I understood that, but I'm glad you clarified it.

A. Zithromax, Prozac, Naprosyn, Megace, Elavil. The list goes on.

Q. Were some of these pills taken as needed or were they taken on a daily basis or several times a day depending on the prescription?

MR. GELLER: Object to the form, compound.

Q. For example, the drugs that were combating the AIDS virus, the ones that you mentioned, the Epivir, Retrovir and Saquinavir, those were all drugs that you took on a daily basis; is that correct?

A. Yes.

Q. When did you commence or when did you start taking those drugs?

A. They had me start on that



Page 109

1 Williams 109

2 medication -- when I say, they--

3 Q Meaning someone at the hospital?

4 A. Meaning people, the staff.

5 Q. Any reference to they, it will be

6 understood that you're meaning people at St.

7 Clare's Hospital.

8 A. Right. And not specifically or

9 exclusively any one person.

10 Q. A variety of staff people?

11 A. Yes.

12 Q. Understood.

13 A. It started after the first viral

14 load -- no, yes, the first result of their viral

15 load that came back as my being positive.

16 Q. Just so that we're clear, our

17 records, the records for St. Clare's show that

18 you treated at Spellman Clinic from November 11,

19 1996 through August 15, 1997. So roughly nine

20 months. Would that be about the right time

21 period, would you agree with that?

22 A. Say those dates again, please.

23 Q. Those are the dates that you set

24 forth in your complaint about the period of

25 malpractice?

Page 110

1 Williams 110

2 A. Okay.

3 Q. Those were the dates while at the

4 Spellman Clinic, that there was a departure from

5 the standard of care during that time period?

6 A. Right.

7 Q. The drugs that you just named them,

8 those are drugs that you took during that time

9 frame period, which is approximately nine

10 months?

11 A. Right.

12 Q. In terms of side effects or results

13 of taking these drugs, what if any occurred?

14 A. I felt like I was dying every time

15 I ingested these pills. They had me keeled over

16 as though my stomach was pushed to the far

17 crevices of my back. I could not stand up

18 straight. I could not see straight. I was

19 nauseated.

20 Q. Are you saying abdominal pain?

21 A. Yes.

22 Q. Severe abdominal pain?

23 A. Yes.

24 Q. Would that occur immediately after

25 taking the drug?

Page 111

1 Williams 111

2 A. Shortly after. I would say, once

3 the drug had been dissolved and you know it's

4 supposed to be doing its work for me, then the

5 symptoms come.

6 Q. The first symptom you would

7 experience after taking the antiretroviral drugs

8 was severe abdomen pain?

9 A. Yes.

10 Q. It took place within a short period

11 of time after taking the drug?

12 A. Yes, and it lasted.

13 Q. For how long?

14 A. A long time. I mean, because mind

15 you these pills are taken several times a day.

16 So they, you know, I'm in pain several times a

17 day, excruciating pain.

18 Q. How many times a day were you

19 taking the antiretroviral drugs in the early

20 months of your treatment?

21 A. I think four times a day.

22 Q. Would you take one pill of each

23 type of drug or do you remember the dosages?

24 A. I can't remember that.

25 Q. You're telling me that each time

Page 112

1 Williams 112

2 you took these drugs that you would experience

3 side effects, one of them that you stated

4 already is the severe abdominal pain that would

5 last for a long time?

6 A. Yes.

7 Q. Can you give me in terms of

8 minutes, hours, how long this abdominal pain

9 lasted?

10 A. Hours. Hours on end. By the time

11 the pain would subside, it's time to take

12 another dose of medication.

13 In other words, I was taking medication

14 to constantly stay in pain and to have diarrhea.

15 I was constantly taking medication to be

16 nauseated and sick.

17 Q. Let me just stay with the abdominal

18 pain for a minute. You are saying that the

19 reaction to the drugs, the antiretroviral drugs,

20 was severe abdominal pain that lasted pretty

21 much from the time you took it almost to the

22 next time you had to take it during the day?

23 A. Pretty much. By the time it

24 subsided I had to ingest the pills again. The

25 pills obviously dissolved in my stomach and it

Page 113

1 Williams 113

2 caused it again.

3 Q. This occurred from the time you

4 started taking it, which was after the viral

5 load showed high, for how long a period of time

6 did you have to take these drugs, until when?

7 A. Throughout the period of my

8 treatment at St. Clare's.

9 Q. During that approximately whole

10 nine-month period of time, you had daily pain,

11 severe abdominal pain from this.

12 A. Yes.

13 Q. In addition to the abdominal pain,

14 you mentioned nausea. When did that occur?

15 A. All this occurred simultaneously,

16 right behind one another, at the same time

17 period. If I ingested pills today at 12:00, by

18 1:00, 1:30, I'm in pain.

19 Q. You're in pain and you're nauseous

20 as well?

21 A. Right. I mean, there are numerous

22 things.

23 Q. I just want to stay with the nausea

24 now. This was a daily occurrence?

25 A. Daily occurrence.

Page 114

1 Williams 114

2 Q. So would it be fair to say that

3 during that time period you were at Spellman and

4 under treatment and taking these drugs, that you

5 experienced daily nausea?

6 A. Yes.

7 Q. For long periods of time or shorter

8 periods of time?

9 A. I was nauseated shortly after

10 ingesting the pills.

11 Q. Did it pass within a short time or

12 did it stay with you; as you said with the

13 abdominal pain it lasted from pill to pill. How

14 about the nausea, did that last the same amount

15 of time or something else?

16 A. Sometimes when I throw up, then I

17 regurgitated something, and I feel a little bit

18 better. But then I would have to ingest

19 medication again within a few more hours, which

20 would put me right back in that state.

21 Q. You mentioned diarrhea. What was

22 the frequency of diarrhea during the time period

23 you treated at Spellman, was it something that

24 you experienced daily, weekly, infrequently,

25 everyday or something else?



Page 115

1 Williams 115

2 A. The diarrhea, it has gotten bad to

3 where I've defecated in my clothes.

4 Q. Mr. Williams I'm asking in terms of

5 frequency, was it everyday, every other day,

6 every week or something else?

7 You've been able to describe the

8 abdominal pain and nausea as being daily.

9 A. It was everyday that I took my

10 medication. Everyday.

11 Q. You had an episode of diarrhea?

12 A. And I think they prescribed

13 something for my stool, where it helped because

14 the diarrhea wasn't -- how could I put it, when

15 I had an episode of diarrhea, I mean it was

16 just -- I couldn't, I had no control of my

17 bowel.

18 Q. You had to get to the bathroom

19 quickly?

20 A. Yes. And if I didn't make it, it

21 was like a child having to urinate, you couldn't

22 hold it. They gave me something to the point

23 where I was able to have some control over it.

24 And I think they took me off the Megace,

25 I think that was Megace, because Megace was

Page 116

1 Williams 116

2 considered a stool softener. With diarrhea you

3 don't need a stool softener. They took me off

4 of that and put me on something else and my

5 diarrhea wasn't as frequent.

6 Q. Other than the abdominal pain,

7 nausea and diarrhea, what other side effects, if

8 any, did you incur as a result of taking this

9 medication; that medication, again, meaning the

10 drugs that were combating the HIV positive

11 virus?

12 A. Numbness.

13 Q. Can you describe what part of your

14 body felt numb?

15 A. My arms and legs.

16 Q. In terms of frequency of the

17 feeling of numbness, how would you allocate that

18 in terms of time?

19 A. It's kind of hard for me. It

20 wasn't as frequent as the nausea. It wasn't as

21 frequent as the abdominal pain. But sometimes

22 when I did have those excruciating pains it felt

23 like my blood had stopped circulating in my arms

24 and legs. That if I tried to stand I couldn't

25 feel my legs. If I tried to grab something I

Page 117

1 Williams 117

2 didn't feel it, because I didn't have the normal

3 usage of my hands and my limbs. The numbness

4 that I got wasn't as frequent, like I said, with

5 those episodes of abdominal pain.

6 Another time I can recall being aware of

7 the numbness was like if I go through an episode

8 of abdominal pain and laid down, you know, until

9 I can recoup enough to get up and try to

10 function a little bit throughout my household, I

11 would feel this tingling. And the Naprosyn that

12 they gave me didn't work. But the numbness

13 wasn't -- I mean, if I moved, exert my hands and

14 feet.

15 Q. Meaning clutching your fists and

16 stretching?

17 A. Yes. It was like trying to get the

18 blood to circulate, I don't know what. I'm not

19 a medical practitioner, but all I could say is

20 that I had numbness.

21 Q. What is your best estimate of how

22 long the numbness lasted in terms of time, as

23 best as you can estimate it; or whatever the

24 frequency was, how long did it last?

25 A. No more than an hour and a half to

Page 118

1 Williams 118

2 two hours at length.

3 Q. Other than the numbness, diarrhea,

4 nausea and abdominal pain, what other symptoms

5 were you exhibiting that you attribute to the

6 medication that you were taking?

7 A. That I attributed--

8 MR. SILVERSON: Would you read back

9 the question, please.

10 (Whereupon, the prior question was

11 read back by the reporter.)

12 A. Fatigue.

13 Q. Anything else?

14 A. Being weak, I didn't have any

15 energy. I lost weight, because I couldn't hold

16 down my food.

17 Q. Since you mentioned weight, what

18 was your height and weight in November of 1996

19 when you went to St. Clare's Hospital for that

20 blood test?

21 A. I don't recall. I'm 6 foot 3.

22 Q. What is your weight now?

23 A. My weight now is 185.

24 Q. Do you have any recollection, the

25 records will bear out what it is, how much

Page 119

1 Williams 119

2 weight loss do you feel that you incurred as a

3 result of having to take these drugs?

4 A. I would say five pounds -- five to

5 eight pounds.

6 Q. So you would be down to the 170s in

7 your weight?

8 A. No. I was down in the 160s.

9 Q. Let me start with the severe

10 abdominal pain. Once you started taking these

11 drugs and you got this daily severe abdominal

12 pains, did you tell anyone at St. Clare's

13 Hospital that you were experiencing this side

14 effect?

15 A. Yes.

16 Q. Who did you tell?

17 A. Their staff.

18 Q. A staff person?

19 A. Yes.

20 Q. Do you recall when you first

21 started to tell them about the complaints?

22 A. I don't recall.

23 Q. From the day you first started

24 taking these drugs, did these side effects start

25 hitting you right away or did it take a little

Page 120

1 Williams 120

2 while for them to develop?

3 A. I recall complaining about -- like,

4 some drugs give me different reactions. When I

5 took the medication for the virus, that's when I

6 got the stomach pain and nausea and everything

7 else.

8 But there was other drugs too that I've

9 taken. I don't know if it was the Zithromax or

10 the Naprosyn or whatever, but I experienced

11 feelings, but I don't remember what they were at

12 this time.

13 Q. In your complaint you refer, in

14 addition to the things that you've mentioned,

15 that you suffered liver damage as a result of

16 taking these drugs. Did you ever speak to a

17 physician or have testing on your liver during

18 this time period that you were at Spellman,

19 which would indicate that you suffered liver

20 damage from the ingestion of the antiretroviral

21 drugs?

22 A. No. But I do recall them telling

23 me that my enzymes, the enzyme level was high.

24 Q. As of today, are you suffering from

25 any type of liver disease or liver damage?

Page 121

1 Williams 121

2 A. Not that I know of, no. I'm not

3 being treated for anything.

4 Q. As of today, are you suffering from

5 diarrhea?

6 A. No.

7 Q. How about abdominal pain and/or

8 nausea?

9 A. No.

10 Q. In terms of numbness?

11 A. No.

12 Q. Did there come a time when you

13 stopped taking the antiretroviral drugs?

14 A. Yes.

15 Q. When was that?

16 A. I don't recall exactly when, but I

17 remember just stopping.

18 Q. Did you take these drugs for the

19 nine-month period that you treated at Spellman?

20 A. I can't answer that. I don't know.

21 I would say, yes, but I can't be sure.

22 Q. Did you take them after 1997 into

23 1998 and forward?

24 A. They just made me too sick. I

25 couldn't stomach them.

Page 122

1 Williams 122

2 Q. Would it be fair to say that once

3 you stopped taking the drugs the symptoms that

4 you described to me stopped?

5 A. Oh, yes.

6 Q. Did you ever complain to anyone at

7 St. Clare's, the staff members, Dr. Lazarus,

8 Miss Roehrig, about these other symptoms, the

9 nausea, the diarrhea and numbness?

10 A. Repeat that question.

11 Q. Did you tell anybody at St. Clare's

12 during the time period in which you treated,

13 about the nausea, the diarrhea and the numbness?

14 A. Yes.

15 Q. Did any of those staff people at

16 St. Clare's either give you medication or change

17 your treatment so as to alleviate the symptoms

18 while you were there?

19 A. Some of the medication was changed,

20 but they would not change the cocktail that they

21 was giving me.

22 Q. The cocktail, meaning the three

23 drugs that we talked about?

24 A. Yes. Right.

25 Q. Prior to getting these drugs, did

Page 123

1 Williams 123

2 any medical person at St. Clare's describe for

3 you that there might be side effects in taking

4 these drugs?

5 A. No. Not at all, no.

6 Q. So that you went ahead and took

7 these drugs with the understanding that there

8 would be no side effects?

9 A. I took these drugs because they

10 said that it would keep the viral load down.

11 The viral load staying down would allow me to

12 fight off any colds, bacteria or anything that I

13 may become infected with, which therefore would

14 help me live longer. That's why I took them.

15 Q. With the nausea and the diarrhea

16 and the pain, how about the diet that you were

17 on, were you given any restrictive diet or a

18 particular diet to follow while you were under

19 treatment?

20 A. They gave me Ensure.

21 Q. What is Ensure?

22 A. It's a dietary supplement. It's

23 like a dairy product.

24 Q. It's like a vitamin enhancement?

25 A. Yes.

Page 124

1 Williams 124

2 Q. Would you be prescribed to take

3 that along with the meals that you were eating

4 as well?

5 A. I was told to take it according to

6 the prescription, the prescribed times that they

7 told me. Whether it was with meals or not, I

8 don't recall.

9 Q. During this time period you were

10 being treated at St. Clare's, did you ever

11 request that they allow you to work, that you

12 wanted to go back to work?

13 A. I don't recall.

14 Q. Were you ever advised by anyone at

15 St. Clare's, more specifically Miss Roehrig,

16 that you were able to go to work even though you

17 were taking these medications?

18 A. Yes. I think I was told that. But

19 my question to her at the time was how could I

20 work when this medication had me in the state

21 that it does.

22 Q. So that you did tell Miss Roehrig

23 that you were having symptoms from the

24 medication?

25 A. Yes. Oh, yes.

Page 125

1 Williams 125

2 Q. Did she advise you, either she or

3 someone at St. Clare's, to change the dosages or

4 change the medications to help you alleviate the

5 symptoms that you were experiencing?

6 A. I don't recall.

7 Q. Did she refer you to a nutritionist

8 at St. Clare's to help you with your diet,

9 during this time period?

10 A. Yes.

11 Q. Did they give you written material

12 and things of that nature to guide you in what

13 to eat and try to stay healthy?

14 A. That and the Ensure.

15 Q. During the time period that you

16 were at Spellman, were you still living at

17 Project Return?

18 A. Part of the time.

19 Q. There came a time when you were

20 able to leave Project Return?

21 A. Yes.

22 Q. Where did you go from there?

23 A. To the Bronx.

24 Q. Was that the Mount Eden address

25 that you gave us earlier?

Page 126

1 Williams 126

2 A. No. I forgot the address that I

3 had in the Bronx. I think it was in South

4 Bronx, like, 170th Street.

5 Q. Did you live alone or with somebody

6 else?

7 A. No, alone.

8 Q. Were you working at the time?

9 A. No.

10 Q. How were you paying for your rental

11 each month?

12 A. Through public assistance.

13 Q. In addition, once you were

14 diagnosed HIV positive, did you apply for any

15 grants or any additional assistance due to the

16 fact that you were diagnosed HIV positive?

17 A. I applied, but was denied.

18 Q. Did you ever reapply after that

19 denial?

20 A. Not to my recollection. They

21 denied me. By the time I got my denial from

22 social security administration, you know, I was

23 so tired of being sick everyday, from ingesting

24 this medication. So I was just ready to give it

25 all up and go on about my life. And if I get